App. F. IX-4

1949.
(Legn.)

53-48

File No. ~~83-48~~

Serial Nos. 1

Previous References.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one only

LAW) 11-12-47 / 6-5-49

Part B for May 1949

SUBJECT

Promulgation of the Mysore Employees' State Insurance Bill into Law

To

The Compiler, Mysore Gazette

No. R.L. 2007/Legn. 83-48-1 dated 10-3-1949.

Directs the publication of the Mysore Employees' State Insurance ~~Bill~~ Act, 1949 as Act No. XXXVI of 1949

To the [illegible]
[illegible]

N R Narayana Murthy
11/1/1950

1) Draft telegram to the Govt. of India is put up for approval.

No. 3357
Date 8/1/48

Law Secy) [signature] 17/12/47

2) [initials] 11/12

3) Issue today [signature] 17/12/47

4) A telegram has been issued.

From the Deputy Secretary to the Govt. of Ind.
No. 2262/47 A. dated 17-12-1947
Forwards a copy of the Workmen's State Insurance Bill

5) The Bill copy is put up herewith for perusal and it is for orders as to the action to be taken in the matter.

[initials] 2.1.48

[initials] 2/1/48

6) The Bill is put up for submission to Law Minister.

Law Secy) [signature] 2/1/48

7) Min Law Hakim) [initials] 2/1

8) This file may be put up again when required. [initials] 9/1

[initials] 10/1

[initials]

95/RL

9) The report of the Select Committee on the Workmen's State Insurance Bill appears to have been presented to the Dominion Legislature. We may obtain a copy of the Bill as passed by the Select Committee and also ask for the ~~[illegible]~~ supply of the Bill as passed by the Legislature as soon as possible after it is passed.

10) Draft submitted.

Mas
4.2.48.

11) [illegible]
5/2/48

Issued No RL 1656 dated 6-2-1948 to the Secretary to the Govt of India, Legislative Assembly Department, New Delhi

From the Assistant Secretary, Constituent Assembly of India, (Legislative Department) Letter No 422/48-A dated 21-2-1948 forwards 2 copies of the Select Committee Report on the Workmen's State Insurance Bill and states that the Bill as passed, will be sent as soon as it is passed by the Assembly

12) The copies are put up for perusal

W
3.3.48

13) The question of enacting similar legislation in Mysore has been examined in the linked file

Mas
5.3.48.

14) A comprehensive and illuminating note on workmen's State Insurance has been prepared by the Supt. Legislation Branch which is placed below.

15) In order to draft a Bill on this subject, he seeks orders on certain points.

16) The corresponding Bill of the Govt. of India provides for compulsory State Insurance in case of sickness, maternity and employment injury. The latter two are already covered by separate enactment. But under these enactments it is not Govt. or any independent body which administers the benefit but the employer himself. There has been, as indicated in the note, considerable criticism about the administration and usefulness of these Acts. It appears desirable therefore that, as in India, these benefits are also included in the State Insurance Bill, the existing enactments continuing to operate in cases which do not fall within this Bill.

17) The fund from out of which payment of benefits would be made, is composed of contributions by employers and workmen. The latter contribute according their average earnings on a scale specified in the Bill. The Minister for Law has been pleased to minute that the contribution should not exceed 0.0.6 pies in the rupee (basic wage). The graduated scale specified in the schedule to the Bill appears to be well within this limit and could perhaps be adopted, a graduated scale being a more equitable incidence of the burden than an absolute one.

18) There has to be provision for constituting a

Corporation to administer the scheme, with a Board and Standing Committee which being smaller bodies within the Corporation would act more effectively and be in charge of the day to day administration.

4850 28/3

19) The scheme of the Govt of India is an All India one and there is provision in their Bill empowering the Corporation to undertake duties in Indian States. As the entering into arrangements with the Govt of India may take time and it is unnecessary to wait for this before undertaking legislation, our Bill may provide for a Corporation, etc. and later if necessary, the All India Corporation may be treated as the Corporation for ~~the~~ the purpose of our Act. But as long as Mysore has no effective voice by adequate representation on the Corporation, it is perhaps premature to think on these lines. As we have an Insurance Deptt. already undertaking insurance of various kinds ~~the present scheme may also be~~ that Deptt could be made use of by the Corporation to be brought into being under this Bill.

20) Under the Govt of India Bill $\frac{2}{3}$ of the administration expenses of the Corporation for the first 5 years will be borne by the Govt. of India. We may perhaps make the provisions of the Bill somewhat more elastic by providing power for the Corporation to borrow from Govt (in addn. to the general power to borrow) for purposes of meeting administration expenses and prescribe by rules the method of recovery.

21) If approved a draft Bill on the above lines will be put up immediately

SD
23.3.48

Law Secy is on leave.
SD

Minister for Law & Labour

Yes. Put up draft bill immediately

KSB
24/3

Office of the Minister for Law & Labour.
4999
2/4/48

SECRETARIAT 5775
1 APR 1948
GOVT. OF MYSORE.

Serial No.

23) A draft Mysore Employees' State Insurance Bill to put up for consideration.

Mas
1·4·48.

Law Secy)

BVN
1/4/48

24) SK
1/4

Min Law
& Labour)

BVM
1/4.

25) Get it included in the list of bills to be moved in the Assembly in May 1948. Copies of bills may also be supplied to members of the Tripartite Conference during the last week of April 1948.

K.T.D
2/4.

Mr. T.V

SK
3/4
BVM

26) A copy of the Bill has been sent to the Sp. Rev. Branch for obtaining printed copies of the same and supplying them to the members of the Tripartite conference

Office of the Chief Minister
No. 3659.
Date 14·4·48.

27) The file is subd for orders whether the Bill has to be circulated or treated as a council matter

SECRETARY, LAW DEPARTMENT
6053
13 APR 1948

Law Secy)

BVN
13/4/48

28) For orders
SK
BVM 13/4 13/4

NOTE—Conta. Sheet.

TV
13.4.48

29) Council meeting
Ch Min
Dewan)

Mas
13·4·48

SK
16/4. BVM 16/4

RR
15/4

The Mysore Employees State Insurance Bill

File No. 1132/RL of 194 .

General and Revenue Secretariat

Serial No.

30) A draft council Note is subd for approval.

31) A draft set of principles is also put up ~~also~~ for consideration.

2N. 22.4.48

Mas 23.4.48.

Law Secy)

BVN. 23/4

Min Law & Labour) 32)

SK 24/4

BVN 24/4

33) ~~SRTD~~ 24/4

SK 26/4.

34) Fair copies of the Council Note are put up. The file may be sent to C.B. for taking further action

2N. 27.4.48

Mas 27.4.48

Assistant Secretary Confidential Branch)

BVN 27/4

35) Council File No. 1257
For Consideration at a Meeting of Council
1/5/48.

No. 5318
Date 24/4/48

SUBJECT:-

The Mysore Employees' State Insurance Bill.

OPINION OF THE COUNCIL.

36) The Council at the meeting held on 19.3.48 was of opinion that the Bill may be introduced. The concerned papers have been separately submitted for H.H.'s approval

Secy

General and Revenue Secretariat | File No. 953/1132 RL of 194 | [App. F. III

Serial No.

Office of the Minister for Law & Labour.
No. 5960
Date 25/5

37) A copy each of the English and Kannada versions of printed copies of the Bill is placed in the file. The Bill bears Serial no. 18 in the order of Bills printed. A copy of the ~~Govt~~ Govt of India Bill is also placed in the file. ~~Govt~~ File soliciting HH's approval for placing the Bill has been separately submitted with D.P.N.

Kng
24.5.48

MNV 25/5

SECRETARY, LAW DEPARTMENT
7132
25 MAY 1948
GOVT. OF MYSORE.

Mas
24.5.48.

Law Secy)

38)

M in Law) SK 25/5

~~KSD~~ 25/5

39)

MNV 28/5

Genl Secy) WC 40) SK 7/6

MNV 7/6

8/6

8/6

8/6

W-KR 29/6

41) The Bill was passed by the Assembly today. Two suggestions by way of amendments were made and accepted by the Govt. These are that in section 4(g) which provides for the election of two members to the Corporation by the Mysore Legislative Council ~~the words~~ the words "Legislative Council" may be omitted and that

NOTE—Contn. Sheet.

the word "Legislature" be substituted, and that in Section 21(5) which provides for a report being laid before the Legislative Council when the ~~....~~ Corporation or the Standing Committee is superseded, the words "Legislature" be substituted for the words "Legislative Council"

~~with ..~~

42) With the acceptance of these amendments ~~..~~ and in order to bring about uniformity and consistency ~~..~~ in section 8 and 86 C (iv) the word "Legislature" may be substituted for the words "Legislative Council"

43) The above amendments have been carried out in the Bill placed in the file. The Bill will be got printed with these amendments and sent to the Legislative Council.

44) If approved the statement of principles will be adopted as the statement of objects and reasons.

MSW
11/6

Law Secy)

45)

M in Law

SM
17/6

46) H.L.D
11/6.

MSW
11/6

953 √1132
RR

47) The Bill with the Statement of Objects and Reasons has been published in the Mysore Gazette Extraordinary dated 11th June 1948 under the orders of the Dewan in pursuance of Rule 36 of the Mysore Legislative Rules, 1941.

48) The forms of motions moving
i) for introduction and
ii) for consideration ~~of~~ the
Bill in Council are submitted herewith.

49) A copy of the Bill is also placed in the file.

Jcng 15/6/48

Mas 15/6

Law Secy)

Mas 15/6

OFFICE OF THE HOME MINISTER.
No. 6438
15 JUN 1948

50)
M in Home)

SK 15/6

Mas 15/6

51) UG. 15/6

Min for Fin W/C)

OFFICE OF THE MINISTER FOR TRADE & INDUSTRIES.
No. 196
D. 7/7/48.

52) The Bill has been referred to a ~~Scale~~ Select Committee.

MKV 7/7

53) The file is put up for being sent to the Secretary of the Select Committee with a request to intimate the date of summoning the Select Committee meeting.

NV 31-8-48 Mas 31-8-48

953/RL

The Mysore Employees' State Insurance Bill

54) What are the Bills which were referred to Select Committees at the last session of the ~~Assembly~~ Legislative Council? Have the files of all such Bills been sent to the Secretary of the Committees?

MKV
31/8

Office of the Minister
for Law & Labour.
No. 545
Date 10/9

Shri T.V.

55) The Minimum Wages Bill and the Mysore Employees' State Insurance Bill have been referred to Select Committee

56) The connected files are put up for being sent to the Secretary of the Committee

TV
31.8.48

MKV
1/9

Mas
31.8.48

Secy
L.A. & L.C.

THE MYSORE LEGISLATURE
SEPT 1948
262/L.C.
BANGALORE

[illegible] 1/9

57) The Select Committee meeting has been fixed to take place in the Chambers of the Hon'ble Minister for Law & Labour on the 13th instant at 3 P.M. The file on the subject is herewith submitted for kind perusal.

[illegible] 10/9

Hon'ble Minister for Law & Labour

953 IRL

The Mysore Employees State Insurance Bill

(20)

58) The Select Committee meeting concluded to-day.

Mas
28.9.48.

Sri T. V.

59) The file is put up for being kept in Sus till ~~about~~ the 10 December, 1948.

Sus

Mas
11.11.48

Mas
13.11.48.

60) A copy of the report of the Select Committee on the Bill is placed in the file.

Office of the Minister for Law & Labour.
3038 3668
30/12 3/1/49

Urgent.

61) The following motions in respect of this Bill have been tabled in the name of the Hon'ble Minister for Law and Labour for the ensuing session of the Legislative Council.

1. To present the report of the Select Committee.
2. Also to move that the report be taken into consideration.
3. Also to move that the Bill be passed.

62) The file is put up for submission to the Hon'ble Minister for Law and Labour.

[illegible] 31/12

MAS 31.12.48.

MKV 31/12

Law Secy) 63) BBD 31/12

MKV 31/12

Mini for Law & Labour)

64) KTB 31/12 BBD 3/1

65) This may be sent to the Minister's personal establishment for submission at the appropriate time.

MKV 3/1

P.A. to the Hon'ble Mini. for Law. w/e.)

MAS 3.1.49.

66) The file is herewith returned for further action, as the bill was passed at the L.C. meeting held on 8/1/49.

BBD 10/1/49

MKV 10/1

SECRETARIAT ... 10 JAN 1949 ... GOVT

Secy. T. V.

RL 1680/RL

The Mysore Employees' State Insurance Bill

Office of the for. L.
No. 5552
Date 26/2

67) The Bill was passed by the Legislative council on the 8th January 1949.

68) A copy of the Bill, authenticated by the president of the Legislative council is placed in the file.

69) A draft Final Note is put up for approval

~~This Bill has been ... ...~~

J.D. 24.2.49 MAS 24.2.49 ~~Type ...~~ MKV 26/2

70) Law Secy

BSD 26/2 MKV 26/2

LAW ... 26 FEB 1949 GOVT. OF M...

Minister Jordan

DEWAN'S OFFICE
28 FEB 1949
No. 4318

71) ~~J.S.I.D.~~ 26/2 BSD 28/2 MKV 28/2

Dewan)

Signed copies of F.N. placed in the file
... 28/2/49.

Final Note by the Minister for Law and Labour

Subject.—

Promulgation of the Mysore Employees' State Insurance Bill into Law.

The Mysore Employees' State Insurance Bill was, with His Highness' gracious sanction, placed before the Representative Assembly during the 1948 Budget Session and was approved by that Chamber.

Para 41 of Notes

The Bill was thereafter introduced in the Legislative Council during the 1948 Budget Session and was referred by that Chamber to a Select Committee for scrutiny. The report of the Select Committee was presented to the Legislative Council during the 1949 January Session, and the Bill, as amended by the Select Committee, was passed by that Chamber on the 8th January 1949.

J.

Para 67 of Notes

A copy of the Bill authenticated by the President, Legislative Council, as required by Standing Order 45 of the Standing Orders of the Legislative Council, is placed below for gracious perusal.

K

I solicit the gracious assent of His Highness to promulgate the Bill into Law.

Bangalore,
27th Feb. 1949.

[signature]
MINISTER FOR LAW & LABOUR.

Submitted to His Highness.

I submit herewith, for the gracious approval of His Highness, a Final Note by the Minister for Law and Labour regarding promulgation of the Mysore Employees' State Insurance Bill into law.

A Ramaswami Mudaliar

DEWAN.

Bangalore,
28th February 1949.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 1082
1.3.49

Subject.

Promulgation of the Mysore Employees' State Insurance Bill into law.

1082

Order.

JCN.
2/3/49.

Chief Secy
ARM
4/3

4/3
4/3/49

General and Revenue
Secretariat.

WD 03994—GPB—1,000—28-9-48

SUBJECT :—

Promulgation of the Mysore Employees' State Insurance Bill into Law.

Circulated to Council of Ministers for perusal of His Highness' orders ~~before~~/after issue of orders.

Chief Secretary to Government. 4/3.

Through the Secretary to Government,

.....Law.........Department.

1. Chief Minister.
2. Minister for Finance and Industries.
3. Minister for Law and Labour.
4. Minister for Revenue and Public Works.
5. Home Minister.
6. Minister for Local Self-Government.
7. Minister for Public Health and Excise.
8. Minister for Education.
9. Minister for City Municipalities and Muzrai.

May be recorded

Secretary to Government,
Law Department
~~with compliments.~~
12-4-49

NOTE & Contn. sheet

Serial No.

A draft G.O directing the publication of the Mysore Employees' State Insurance Act, 1949 as Act No XXXVI of 1949 is put up.

Fair copies are ~~also~~ put up for signature

Issue
MKV
10/3

No RL 2007/Legis 83-48-1 dated 10.3.49

To The Compiler, Mysore Gazette

Directs the publication of the Mysore ~~State~~ Employees' State Insurance Act, 1949 as Act No XXXVI of 1949

The Act has been published in an Extra-ordinary issue of the Gazette dated March 11, 1949.

A copy of the Act as published in the Gazette is placed in the file

The file may be sent to C.B. for completing the circulation

DM
21-3-49 mas
21.3.49.

(CB) MKV
21/3

GENERAL & REVENUE SECRETARIAT
Central Section
21 MAR 1949
RECORD BRANCH

WORKMENS' STATE INSURANCE BILL. (I)

The Minister for Law was pleased to direct as follows:

1) The Central Government Bill on the subject appears to incorporate in it the provisions relating to Workmens' Compensation, Maternity Benefit and Health Insurance. It should be examined whether a similar legislation is suitable and whether it would not be more advantageous for - workers if we have legislation only for health insurance leaving the existing enactments relating to workmens' compensation and maternity benefit as they are at present. The advantage for the worker is that the entire liability is on the employer to provide the benefits contemplated by the two existing Acts, whereas under the proposed Bill, the liability will be shifted to a separate body and the employer has only to contribute a share along with the worker to the common fund. The advantage to the worker is that he may be in a better position to realise the benefits promptly when the fund is administered by one body rather than by following the procedure prescribed for realising benefits under the Workmens' Compensation Act. The provision of a common fund and mere contribution to it by the employers may perhaps reduce to some extent the liability imposed on them by the legislation now in force.

2) Our Bill should make provision to ensure that the contributin of the worker to the Insurance Fund should not exceed 6 pies in the rupee of his basic pay.

3) This question should be examined and a note submitted:

Mas
30.1.48

Mr. T.V. ~~Kind~~ The Govt. of India, Workmens State Insurance Bill as passed by the Select Committee has since been received. Kind attention is invited to the papers in the linked file.

4) The questions for consideration are:

(1) The scope of the Workmens' State Insurance Scheme contemplated by the Government of India Bill;

(2) whether the inclusion of Workmens' Compensation Legislation and Maternity Benefit Legislation in the above scheme is beneficial to the workers;

(3) whether any changes can with advantage be made in the benefits contemplated by the above scheme and if so, the nature of these changes;

(4) whether the scheme is suitable for being applied to Mysore and whether any modifications should be made regarding the machinery for administering the scheme.

Scope of the scheme.

5) The scheme envisaged is one of compulsory state insurance providing for certain benefits in the event of sickness, maternity and employment injury to workmen employed in or in connection with factories other than seasonal factories. The following persons though they are workmen employed in a factory are excluded from the operation of the Act, i.e. (1) any member of His Majesty's Naval, Military or Air Forces; (2) any person solely employed in a Clerical capacity or employed on remuneration which in the aggregate exceeds Rs.400/- per mensem; (3) any person employed in an employment notified by the Provincial Government. The provisions of the Bill in brief are these. The scheme of insurance has been planned on an all India basis and it is proposed to entrust the administration to a corporation

corporation constituted under the Bill. The functions of the Corporation will be performed by a Central Board constituted of representatives of Central and Provincial Governments and of employers, workers and the medical profêssion. The Board will also include certain members elected by the Central Legislature. A Standing Committee of the Board will act as the Executive of the Board and a Medical Benefit Council will also be set up to advise on matters relating to the administration of medical benefits.

6) The insurance fund will be mainly derived from contributions from employers and workmen. The contribution payable by each workman will be based on his - average wages and will be payable in the first instance by the employer and the latter will be entitled to recover the workman's share from the wages of the workman concerned. Workmen whose earnings do not exceed 10 annas per day will be totally exempt from payment of any share of the contribution, the entire contribution on account of such workmen being met by the employer.

7) The insured workman will be entitled to the following benefits:-

(1) Sickness Cash Benefit: A workman if certified sick and incapable of working, will receive for a period not exceeding 8 weeks in any continuous 12 months period, a cash allowance equal approximately to half his average daily wages during the previous six months, subject to a maximum and minimum of Rs. 1-12-0 and 4 annas per day. He will also be entitled to receive medical care and treatment at such hospitals, dispensaries or other institutions to which the factory in which he is working may be allotted. The cash benefit will not be paid for a waiting period of three days, and the benefit will be admissible only if the following conditions are satisfied, namely;

(a) at least six months should have elapsed - since the entry of the workman into the insurance scheme and

(b) at least 17 weekly contributions should have been paid in a continuous period of six months - preceding the week in which the benefit is claimed, but in considering the continuity of the period, periods of receipt of benefit is ignored (the - period ignored in the case of disablement benefit being a period not exceeding 6 months).

After ceasing to be an insured person the sickness cash benefit continues to exist for 6 months more and, if after such 6 months, he re-enters the scheme he is considered to be a new entrant.

(2) Maternity Benefit.

Women workers who are certified to be eligible for maternity benefit by the prescribed authority will be entitled to receive a maternity benefit of 12 annas per day for 12 weeks of which not more than 6 weeks shall precede the confinement. They will also be entitled to medical aid at the allotted medical institutions. The payment of maternity benefit is however subject to two conditions, viz., (a) at least 26 weekly contributions should have been paid by the woman within a continuous period of 12 months immediately preceding the week in which she is confined or gives notice of pregnancy whichever is more advantageous to her; and (b) at least 5 out of these 26 contributions have been paid before 35 weeks preceding the week in which the confinement takes place or notice of pregnancy is given.

3. Disablement and Dependants' benefits.

(a) A workman disabled by employment injury will receive for the period of disablement or life, depending on whether the disablement is temporary or full and permanent as the case may be, a monthly pension equal to one-half of the sum of his average wages during the 52 weeks immediately preceding the week in which the claim falls due subject to a maximum of Rs. 1-12-0 and a minimum of 4 annas a day. Where disablement of the workman due to the employment injury is partial and permanent, the pension will be at a percentage of the above rate, as provided in section 4 of the Workmens' Compensation Act, for life. The workman will also be entitled to medical care and treatment.

(b) In case of death resulting from the employment injury, a pension equivalent to full and permanent disablement benefit, is payable to the widow or widows (i.e. three-fifths of the pension for life or until re-marriage) minor sons and minor and unmarried daughters. (i.e. two-fifths of the pension until attainment of 18 years or in the case of a daughter attainment of 18 years or marriage whichever is earlier). In case the deceased workman has no widow or legitimate children, dependants' benefit at a rate determined by the Commissioner for Workmens' Compensation will be payable to a parent or grand-parent for life and to any other male dependant until he attains 18 years and to a female dependant until she attains 18 years or until re-marriage whichever is earlier.

8) <u>Contributions</u>: The contributions payable by the workers and employers are specified in the First Schedule to the Bill. The workers are divided into 6

6 wage classes according to their average earning and different rates of contributions are fixed for the various wage classes. No contribution is payable by a workman whose average daily wage is less than 10 annas. The contribution is payable weekly, but regulations may be made for the payment at intervals of 2 or more weeks. The employers should pay their contributions along with those of the workers and recover the workers' contribution from the wages of the workers by way of deduction. The rates of weekly contributions prescribed are as shown below.

Group of workmen.	Workmen's contribution (recoverable from workmen.			Employer's contribution.			Total contribution (workmen's and employer's contribution)		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1. Workmen whose average daily wages are below 10 annas.	Nil.			0	5	6	0	5	6
2. Workmen whose average daily wages are 10 annas and above but below Re.1.	0	1	0	0	6	0	0	7	0
3. Workmen whose average daily wages are Re.1 and above but below Rs. 1-8-0.	0	2	0	0	7	0	0	9	0
4. Workmen whose average daily wages are Rs.1-8-0 and above but below Rs.2	0	4	0	0	8	0	0	12	0
5. Workmen whose average daily wages are Rs.2 and above but below Rs. 3	0	6	0	0	12	0	1	2	0
6. Workmen whose average daily wages are Rs. 3 and above.	0	8	0	1	0	0	1	8	0

9) The administration of the scheme of insurance will

will be entrusted to a statutory corporation called the Workmens' State Insurance Corporation. The functions of the Corporation will be performed by a Central Board constituted of representatives of Central and Provincial Governments (5 and 11 respectively), members of the Central Legislature (two) and representatives of employers and workers (three each) and two members of the medical profession. A Standing Committee of the Board will act as the Executive of the Board and a Medical Benefit Council will also be constituted to advise on matters relating to the administration of medical benefit. The term of office of the members of the Board and of the Standing Committee is 5 years. The Board will have general superintendance and control over the administration of the scheme. The Board may in addition to the scheme of benefits provided in the Bill, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of disabled and injured workmen. The Central Government will appoint the following principal officers of the corporation, viz. the Director General of Workmen's State Insurance, an Insurance Commissioner, a Medical Commissioner, a Chief Accounts Officer and an Actuary and they will perform such functions and exercise such powers as they may be entrusted or empowered.

10) The Provincial Governments will provide for insured persons in the Provinces reasonable medical, surgical and obstetric treatment (as out-patients or in-patients as the circumstances of the case may require) at dispensaries, hospitals or other institutions. The Corporation may enter into an agreement with the Provincial Government in regard to the nature and extent

extent of the medical treatment that should be provided to workmen, including provision of buildings, equipment, medicines and staff and the sharing of the cost thereof between the Corporation and the Provincial Government. The Corporation may also establish and maintain hospitals, dispensaries and other medical and surgical - services for the benefit of workmen.

11) Disputes and claims under the provisions of the Act will be determined by Workmens' Insurance Courts constituted by the Provincial Governments. The decisions of such Courts shall be final but in cases where a substantial question of law is involved appeals may be preferred to the High Court.

(2) Whether the inclusion of Workmens' Compensation Legislation and Maternity Benefit Legislation in the above scheme is beneficial to the workers.

12) The Workmens' State Insurance Bill applies only to workmen in perennial factories and even among them certain specified classes are excluded from the operation of the Bill. Neither the Workmens' Compensation Act nor the Maternity Benefit Act is proposed to be specifically repealed by the above Bill. Moreover, the grant of disablement or dependants' benefit under the State Insurance Act, depends upon the insured being entitled to compensation under the Workmens' Compensation Act.

13) According to Clause 42 of the Bill an insured person entitled to receive compensation under the Workmens' Compensation Act, in respect of an employment injury, will in lieu of compensation receive the disablement benefit provided by the Bill (but subject otherwise to the conditions specified in the Workmens' Compensation Act) from the Corporation and not from the employer. If

If the insured person dies as a result of the employment injury dependants benefit will be payable to the widow or widows and legitimate children at the specified rates and subject to the specified conditions. In case the insured person does not leave behind him any widow or children, dependants benefit will be paid to the other dependants at such rates as may be determined by the Commissioner for Workmens' Compensation. Save as modified by the provisions of the Bill the obligations and liabilities imposed on an employer by the Workmens Compensation Act will continue to apply to him. Clause 56 empowers the Corporation to recover damages from an employer when an employment injury is sustained by an insured person by reason of the negligence of the employer to observe any of the safety rules which he was bound to observe or by reason of any wrongful act of the employer or his agent.

14) Clause 50 provides that when a person is entitled to any of the benefits provided by the Bill he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

15) The effect of the Bill therefore is, in the case of workmen to whom the Bill applies, compensation under the Workmens' Compensation Act will not be admissible, but they will be entitled only to the benefits provided in the Bill. Other workers who fall within the purview of the Workmens' Compensation Act, will continue to enjoy the benefits provided therein. As regards the Maternity Benefit Act, since maternity benefit is payable by the Corporation, no maternity benefit will be admissible to the women workers to whom the Bill applies. The

The other provisions of the Maternity Benefit Act such as absenting from duty during pregnancy and prohibition of employment of the woman worker for the specified period after delivery, would appear to continue to apply. The Maternity Benefit Act will also continue to apply to women workers to whom the Workers State Insurance Bill does not apply.

16) Every one who has enquired into the question of the working of Workmens' Compensation Act or the Maternity Benefit Act are agreed that ~~it is~~ the provisions of the Acts are far from satisfactory and that the workers on the whole have not had the benefit for which purpose these legislations were made. Sir William Beveridge in his report on Social Insurance and Allied Services says "there are disadvantages in the present system of providing for the results of industrial accident and disease which could and should be eliminated by change to a new system." The disadvantages referred to by him are these.

" (1) The present system rests in the last resort upon the threat or the practice of litigation. This method imports the risk of contention between employer and employee and of legal expenses on a scale exceeding that of the other forms of social security in this country. The authors of the original Act contemplated that disputes would be settled by friendly and informal arbitration, but this hope has not been realised and disputes are now generally settled by formal proceedings in Courts.

(2) No machinery is provided for assisting the employee in presenting his claim and he often suspects injustice and feels that he is subjected to improper pressure to reduce his claim or to accept an unfair lumpsum settlement.

(3) No complete security is afforded for the payment of compensation as insurance of the employer against his liability is not complusory.

(4) The system fails to secure maintenance of necessary income. The Act recognises the right of - employer and workman to agree to settle a claim by - payment of a lumpsum and this right which finds no - counterpart in systems of most other countries is extensively exercised particularly in cases of permanent or prolonged disability. It is certain that in many cases, whether because the sum agreed proves insufficient for the purpose or because it is injudiciously expended by the workman or used by him to meet pressing, but temporary needs, the lumpsum fails to provide any permanent source of income.

(5) In the 45 years of its existence, the present system of dealing with the results of industrial accident and disease has contributed little or nothing to the most important purpose of all, which should have come first, namely, restoration of the injured employee to the greatest possible degree of production and - earning as soon as possible. The system was based on a wrong principle and has been dominated by a wrong outlook. It allows claims to be settled by bargaining between unequal parties, permits payment of socially wasteful lumpsums instead of pensions in cases of - serious incapacity and places the cost of medical care on the workman or charity or poor relief,

17) The Rege Committee in their report on the working of the Workmen's Compensation Act in India make the following observations.

much to be desired, especially in small establishments and in mofussil areas where attempts are commonly made to avoid payment of compensation to the workers by one means or another. The bigger companies generally observe the provisions of the Act although even here it appears that minor injuries often go unreported. There is avoidable delay in the disposal of applications in the mofussil as judicial officers are inclined to stick more to judicial formalities and procedure than to the observance of the essence and spirit of the Act and as other officers who are appointed as Commissioners are too busy with other duties to dispose of the cases under the Act expeditiously. There are workers particularly in Districts who are not even aware of the existence of the Act and there are many others who have only a vague idea of their rights under it.

19) No agencies are generally available to render legal or other assistance to the workers in securing compensation due to them. A worker is sometimes faced with the alternative of pressing his claim for compensation and losing his job afterwards or of accpeting whatever is offered by his employer, but with the assurance of continuing in service. A worker finds it extremely difficult to secure legal advice on account of his poverty with the result that he is sometimes forced by the fear of not getting anything to accept a much smaller sum than what is legally due to him.

20) The majority of the bigger concerns insure their liability for payment of Workmens' Compensation and some others have their own funds to meet these liabilities. It is generally the small employers who do not insure and when accidents occur, endeavour to avoid their liability. The number of cases where workmen have not been able to secure compensation is fairly large.

21) In seasonal factories such as rice mills and cotton ginning and baling factories, the Act is infructuous in a large measure, due to the seasonal if not casual, nature of employment; accidents are hushed up, or if it cannot be done, payment is made of a pittance by way of lumpsum settlement.[20]

22) The Rege Committee have also found that the Maternity Benefit Acts in force in the various Provinces and States have not materially helped the women for whom they are intended. They say that the main defects of maternity benefit legislation are that it is neither uniform nor univeral, ~~that there is neither uniform nor universal~~, that there is no provision for free medical aid before, during and after confinement except in a few provinces like Sind and Assam, and that there is no provision for preventing an employer from dismissing a woman worker on the first sign of pregnancy except in a few Provinces like Madras and Bengal. Many women workers do not claim maternity benefits on account of their ignorance and find it difficult to comply with the following requirements of the law mainly due to their ignorance:- (1) to give timely notice to the employer; (2) to put in the qualifying period of service; (3) to resume duty immediately after four weeks of the confinement (4) to obtain the birth certificate for claiming the benefits. The Indian Jute Mills Association have - stated that the Act has been successful to a limited extent. "It has been found from experience and enquiry at a number of mills that very few women are

are able to enjoy the four weeks relief - prior to delivery under the Act. A number of women take two months leave before confinement and are paid for 4 weeks only, but in the case of those women who cannot afford to do so, it happens that they have premature delivery (due to the strain of long-hours of standing, etc.) and therefore very rarely are they able to get 4 weeks leave with pay prior to delivery.". Evasion of the Act by discharging pregnant women is particularly noticeable in glass and match factories and in tanneries. In some of the smaller tanneries of Cawnpore it was found that the names of women workers were not entered in the registers. There were also complaints that women were employed through contractors in order to evade the Act. "

~~23~~ The working of the Act is most defective in seasonal factories, like rice mills and cotton ginning and baling etc. The Act is not at all respected in the rice mills, in spite of the fact that there are large numbers of women employed every where. The employers do not maintain any service registers and refuse to pay the benefit on the pretext that the women worker has not satisfied the qualifying period of 9 months."

23) In view of the defects noticed above, it seems that the grant of these benefits under a compulsory state insurance would ensure the fulfilment of the object with which the legislations were enacted.

enacted. Considering the benefits accruing to the workers by a State Insurance Legislation, the contributions recoverable from them for the insurance are fairly light. In the circumstances, it seems that we may follow the Government of India Bill and include workmens' compensation benefit and maternity benefit in our legislation.

(3) Whether any changes can with advantage be made in the benefits contemplated by the above scheme and if so, the nature of those changes.

24) The Select Committee of the Dominion Legislature have suggested a few changes which considerably enlarges the scope contemplated by the original Bill. They have stated that the Act should apply not merely to workmen but to all employees in factories. The expression employee includes persons employed in a clerical capacity, but excludes any member of His Majesty's naval, military or air forces or any person whose remuneration exceeds Rs. 400/- a month. Power has also been taken under the Act to extend it to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

25) The Select Committee have also suggested certain changes in the constitution of the Board (which they propose to designate as Corporation) and the constitution of regional boards and local Committees. As regards the funds of the Corporation, provision has been made for a grant by the Central Government for the first five years of a sum equivalant to 2/3rds of the administrative expenses of the Corporation, not including therein the cost of any benefits under the Act. Instead of exemption of workmen whose earnings do not exceed 10 annas per day, all employees whose earnings do not exceed one rupee per day are exempted from payment of any share of the contribution.

26) The Select Committee have to some extent altered the scheme in regard to the qualification for benefits. Under the revised scheme if contributions have been paid in any contribution period (i.e. a period of 26 consecutive weeks or 6 consecutive months) the benefits are payable in the corresponding benefit period (of 26 consecutive weeks or 6 consecutive months).

27) Sickness was defined in the original Bill as any breakdown in the health of an insured person which is not caused by or arising out of (i) his drunkenness or voluntary participation in any brawl, riot or affray, or (ii) any injury or condition voluntarily brought about by him; or (iii) any condition attributable to his wilful misconduct. The Select Committee have defined sickness as a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds. It seems that the removal of the exceptions is a good improvement. Sickness however caused necessitates medical treatment and deprivation of the benefit because it is caused due to drunkenness etc., would not be quite just. Moreover interpretation of the exceptions will cause considerable difficulties.

28) <u>Changes made by the Select Committee regarding the grant of benefits:</u>

(1) Sickness cash benefit: A person will be qualified for sickness benefit if during the corresponding contribution period, weekly contributions, in respect of him are payable for not less than 2/3rds of the number of weeks during which he was available for employment subject to minimum of 12 contributions. Subject to regulations under the Act, a person qualified for sickness benefit will be entitled to receive for a period not exceeding 56 days during a continuous period of 365 days, a cash allowance equal to

to half the assumed average daily wages of the person during the corresponding contribution period. The average assumed daily wages for each wage group are laid down in Schedule II to the Bill. No minimum or maximum benefit is laid down.

(2) Maternity Benefit: The qualification for maternity benefit for a confinement occuring in a benefit period is that during the corresponding contribution period, weekly contributions in respect of her have been paid for not less than 2/3rds of the number of weeks during which she was available for employment subject to a minimum of 12 contributions; but at least one contribution should have been paid between 35 and 40 weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement. She will be entitled to maternity benefit at 12 annas a day for 12 weeks of which not more than 6 shall be preceding the expected date of confinement.

(3) Disablement and Dependant's benefits: The qualification for maternity benefit for a confinement occuring in a benefit period is that during the corresponding contribution period, weekly contributions in respect of her have been paid for not less than 2/3rds of the number of weeks during which she was available for employment subject to a minimum of 12 contributions; but at least one contribution should have been paid between 35 and 40 weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement. She will be entitled to maternity benefit at 12 annas a day for 12 weeks of which not more than 6 shall be preceding the expected date of confinement.

(3) Disablement and Dependant's benefits. The changes mainly are regarding the rate of benefit (as provided by Schedule II as revised), the omission of a maximum or minimum benefit, and grant of dependant's benefit to minors till they attain 15 years instead of 18 years. The Corporation can however extend the benefit in case the minors continue their education to the satisfaction of the Corporation.

29) Provision has been made by the Select Committee for extension of the benefit of medical treatment and attendance to the families of the insured persons. Family however has been defined as the spouse and minor legitimate and adopted children dependant upon the insured person. This provision is clearly an improvement. If the family of the insured workman is not covered by the insurance scheme for medical benefit, it would have been a great hardship on the poor worker as in such a case he would still have to maintain his connection with a private physician for the treatment of his family, spend money frequently on this account and be put to other incidental worries. Especially where industrial colonies are separately established and private medical facilities are not readily available, this will mean serious inconvenience.

How about parents dependant on him?

30) The Select Committee have also revised the rates of contribution. They have divided the employees into 8 wage groups. No contribution is payable by an employee whose average daily wages are below one rupee. The weekly contributions payable are given below.*

* (Please see overleaf.

TABLE.

Group of employees.	Employees' contribution (recoverable from employees).			Employers' contribution.			Total contribution (employees' and employer's contribution).		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1. Employees whose average daily wages are below Re.1		Nil		0	7	0	0	7	0
2. Employees whose average daily wages are Re.1 and above, but below Rs. 1-8-0	0	2	0	0	7	0	0	9	0
3. Employees whose average daily wages are Rs. 1-8-0 and above but below Rs. 2/-	0	4	0	0	8	0	0	12	0
4. Employees whose average daily wages are Rs.2 and above but below Rs.3	0	6	0	0	12	0	1	2	0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs.4/-	0	8	0	1	0	0	1	8	0
6. Employees whose average daily wages are Rs.4/- and above, but below Rs.6/-	0	11	0	1	6	0	2	1	0
7. Employees whose average daily wages are Rs.6/- and above but below Rs.8/-	0	15	0	1	14	0	2	13	0
8. Employees whose average daily wages are Rs.8 and above.	1	4	0	2	8	0	3	12	0

31) It seems that the changes made by the Select Committee are sufficient for the scheme of social insurance, to make a beginning. If possible we can, as was proposed by the Select Committee, grant sickness benefit for a period of 12 weeks instead of 8 weeks. Instead of granting disablement benefit only for employment injury, provision may be made for - grant of the benefit for any injury. If a workman loses his leg in an accident, his needs are the same whether the accident occurred in a factory or in the street; if he is killed, the needs of his widow and other dependants are the same, however the death occurred. But the difficulty in extending benefit to every case of accident or death, would impose a - greater financial burden on the insurance fund. The Government Actuary may have to be consulted for extending the scope of the scheme as above.

(4) <u>Whether the scheme is suitable for being applied to Mysore and whether any modifications should be made regarding the machinery for administering the scheme</u>.

32) The Government of India propose to constitute a Corporation for the administration of the scheme. Since we have a Government Insurance Department it may perhaps be advantageous to entrust the work of insurance of employees to this Department. In order to give the workers and employers a voice in the administration of the scheme, an advisory body may be constituted. In the United Kingdom the Government administers the insurance fund under the National Insurance Act, 1946 and there is an advisory Committee to give advice and assistance to the Minister in connection with the discharge of his functions under the Act and to perform any other duties under the Act. There is also provision in the said Act for the constitution of local Committees. It is for consideration

consideration whether a similar system may be adopted in Mysore.

33) The Government of India scheme contemplates the provision of medical facilities by Provincial Governments. Since we have our own Government hospitals and other institutions, medical facilities can be provided in them. But it will be necessary to arrange that proper medical aid is given to workmen in these hospitals. Mr. A.N. Agarwala in his book on Health Insurance in India states that a separate medical organization ~~is~~ under the control of the Health Insurance authorities would be the best system. He observes as follows:

"The separation of medical part from the cash benefit part of a health insurance scheme, particularly in a country where such a scheme is being introduced for the first time is likely to be frustrative to the scheme as a whole - - - - Firstly, correct certification is the most important factor for the successful operation of the entire scheme. With a view to prevent malingering and keep down the cost of health insurance, it is absolutely essential that certification should be as honest and above board as possible. Health Insurance Authorities can exercise most effective control on certification if certifying doctors are in their pay and under their control. Secondly, other efforts to reduce sickness incidence can be most vigorously made by a body which is responsible for paying cash benefits because the relationship in the rate of incidence and total volume of cash benefit liability has a high degree of positive correlation. Thirdly, specialised treatment of industrial maladies can best be furnished by

by Health Insurance doctors who can be depended upon to reduce the average duration of sickness by ensuring speedy cure. Then again in our country the atmosphere of public hospitals is characterised with officiousness, red-tapism, lack of human element and general irresponsibility; and there is a real and genuine danger that if insured workers are required to go to these or such hospitals even after the introduction of the Health Insurance Scheme, these unsatisfactory conditions will continue and the scheme would at least partly defeat its own purpose."

34) There is ~~some~~ considerable force in the above observations. However, at the beginning of a scheme of insurance it will be difficult to have a separate medical service directly under the Health Insurance Organisation.

35) Under Clause 85 of the Government of India Bill (Clause 98 of the Bill as passed by the Select Committee) power is proposed to be taken for the Corporation to undertake insurance work in an Indian State. The defect in entering into an arrangement under this section is that we have no representation in the Corporation and cannot therefore have a voice in its management.

36) It is for orders whether a Bill may be prepared on the lines of the Government of India Bill subject to the modifications referred to above.

Mas
5.3.48.

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EXPRESS TELEGRAM

Secretary Legal Department
Government of India
New Delhi

Request you to be so good as to immediately forward immediately copy of workers Insurance Bill if ready.

Law Secretary Government of Mysore

8k
11/12

No.2262/47A.
Government of India.
Legislative Assembly Department.

From

A.J.M.Atkinson, Esq.,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Mysore.,
Law Department, Bangalore. (MYSORE).

New Delhi, the 17th December, 1947.

Subject:- The Workmen's State Insurance Bill.

Sir,

With reference to your telegram dated the 11th December, 1947, on the subject noted above, addressed to the Ministry of Law, Government of India, I am directed to forward herewith a copy of the Workmen's State Insurance Bill, 1946, which was introduced in the Legislative Assembly of the Indian Legislature on the 6th November, 1946.

I have the honour to be,
Sir,
Your obedient servant,

Deputy Secretary to the Government of India

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A

BILL

to provide for certain benefits to workmen employed in or in connection with work of factories in case of sickness, maternity and accident and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to workmen employed in or in connection with work of factories in case of sickness, maternity and accident and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows:—

CHAPTER I

Preliminary

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Workmen's State Insurance Act, 1946.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

(*4*) It shall apply in relation to all factories (including factories belonging to the Crown), other than seasonal factories, on the expiry of four months after the commencement of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Board" means the Central Board of the Workmen's State Insurance Corporation set up under this Act;

(*2*) "cash benefit" means any benefit under this Act payable in money;

(*3*) "confinement" means labour resulting in the issue of a living child or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead, and the expression "confined" shall be construed accordingly;

(*4*) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of a workman and includes any amount payable by or on behalf of the workman in accordance with the provisions of this Act;

(*5*) "Corporation" means the Workmen's State Insurance Corporation set up under this Act;

(*6*) "dependant" means a dependant as defined in clause (*d*) of sub-section (*1*) of section 2 of the Workmen's

VIII of 1923

Compensation Act, 1923, with the modification that the references to "minor" in that clause shall be construed as references to a person who is under the age of eighteen years;

with the provisions made in that behalf by or under this Act;

(8) "employment injury" means a personal injury or occupational disease caused to a workman by accident arising out of and in the course of his employment for which compensation is recoverable by a workman from his employer under the Workmen's Compensation Act, 1923; **VIII of 1933**

(9) "exempted workman" means a workman who is not liable under this Act to pay the workman's contribution;

(10) "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934, and "seasonal factory" shall have the meaning assigned to it in that Act; **XXV of 1933**

(11) "immediate employer", in relation to workmen employed by him, means a contractor or sub-contractor who has undertaken the execution of the whole or any part of any work which is ordinarily part of the work of the factory of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory, and includes a person by whom the services of a workman who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(12) "insured person" means a workman who is entitled to any of the benefits provided by this Act;

(13) "occupier" of the factory shall have the meaning assigned to it in the Factories Act, 1934; **XXV of 1944**

(14) "out-worker" means a person to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed, for the purposes of the trade or business of that other person where the work is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person;

(15) "prescribed" means prescribed by rules made under this Act;

(16) "principal employer", in relation to workmen employed in or in connection with a factory, means the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and, where a person has been named as the manager of the factory under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934, the person so named; **XXV of 1934**

(17) "protected period" means the period of six months commencing with the week in which an insured person ceases to be a workman;

(18) "regulation" means a regulation made by the Board;

"Schedule" means a Schedule to this Act;

(20) " sickness " means any breakdown in the health of an insured person which is not caused by or arising out of—

(i) his drunkenness or voluntary participation in any brawl, riot or affray ; or

(ii) any injury or condition voluntarily brought about by him ; or

(iii) any condition attributable to his wilful misconduct ;

(21) " temporary disablement " means a breakdown in the health of an insured person resulting from an employment injury and rendering him temporarily incapable of working ;

(22) " workman " means any person employed for wages in or in connection with the work of a factory and includes—

(i) any workman directly employed by the principal employer on any work of, or incidental or preliminary to or connected with the work of, the factory whether such work is done by the workman in the factory or elsewhere or as an out-worker ;

(ii) any workman employed under an immediate employer or contractor on work which is ordinarily part of the work of the factory or which is preliminary to the work carried on in, or incidental to the purpose of, the factory, whether such workman works in the factory or elsewhere or as an out-worker ;

but does not include—

(i) any member of His Majesty's naval, military or air forces ; or

(ii) any person solely employed in a clerical capacity or employed on remuneration which in the aggregate exceeds four hundred rupees a month ; or

(iii) any person employed in such employment as the provincial Government may, by notification in the official Gazette, specify in this behalf ;

(23) any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them ;

(24) the expressions " managing agent ", " occupational disease ", " partial disablement " where the disablement is of a permanent nature and "total disablement " shall have respectively the meanings assigned to them in the Workmen's Compensation Act,
VIII of 1923 1923 ;

IV of 1936 (25) the expression " wages " shall have the meaning assigned to it in the Payment of Wages Act, 1936 ;

(26) " week " means the period of seven days commencing at midnight between Sunday and Monday

Corporation, Central Board, Standing Committee and Medical Benefit Council

Establishment of Workmen's State Insurance Corporation

3. (*1*) A Corporation to be called the Workmen's State Insurance Corporation shall be established for the administration of the scheme of Workmen's State Insurance in accordance with the provisions of this Act.

(*2*) The Corporation shall be a body corporate by the name of Workmen's State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

Constitution of Central Board

4. The Central Government shall constitute the Central Board of the Corporation consisting of the following members, namely:—

(*a*) the member of the Governor General's Executive Council in charge of the Department of Labour, *ex-officio*, as Chairman;

(*b*) the member of the Governor General's Executive Council in charge of the Department of Health, *ex-officio*, as Vice-Chairman;

(*c*) not more than five persons to be nominated by the Central Government, of whom at least two shall be officials representing the Labour and Finance Departments;

(*d*) eleven persons representing provinces to be nominated by the Provincial Governments in the manner prescribed by the Central Government;

(*e*) one person to be nominated by the Central Government to represent Chief Commissioners' Provinces and Central Administered Areas;

(*f*) three persons representing employers to be nominated by the Central Government in consultation with such organizations of employers as may be prescribed by the Central Governments;

(*g*) three persons representing workmen to be nominated by the Central Government in consultation with such organizations of workmen as may be prescribed by the Central Government;

(*h*) two persons representing the medical profession to be nominated by the Central Government in consultation with such organizations of medical practitioners as may be prescribed by the Central Government; and

(*i*) two persons to be elected by the Central Legislative Assembly.

Term of office of members of the Board.

5. Save as otherwise expressly provided in this Act, the term of office of members of the Board, other than the *ex-officio* members and members referred to in clauses (*c*), (*d*) and (*e*) of section 4, shall be five years commencing from the date on which their nomination or election is notified:

Provided that a member of the Board shall, notwithstanding the expiry of the said period of five years, continue to hold office until the nomination for election of his successor is notified.

(2) The members of the Board referred to in clauses (*c*), (*d*) and (*e*) of section 4 shall hold office during the pleasure of the Government nominating them.

Constitution of Standing Committee.

6. The Central Government shall constitute a Standing Committee of the Board from among its members, consisting of—

(*a*) a Chairman, nominated by the Central Government ;

(*b*) three members of the Board, being officials of the Central Government nominated by that Government ;

(*c*) seven members elected by the Board as follows :—

(*i*) three members from among the members of the Board nominated by Provincial Governments ;

(*ii*) one member from among the members of the Board representing employers ;

(*iii*) one member from among the members of the Board representing workmen ;

(*iv*) one member from among the members of the Board representing the medical profession; and

(*v*) one member from among the members of the Board elected by the Central Legislative Assembly.

Term of office of members of Standing Committee.

7. (*1*) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (*a*) or clause (*b*) of section 6, shall be five years from the date on which his election is notified :

Provided that a member of the Committee shall, notwithstanding the expiry of the said period of five years, continue to hold office until the election of his successor is notified :

Provided further that a member of the Committee shall cease to hold office when he ceases to be a member of the Board.

(*2*) A member of the Committee referred to in clause (*a*) or clause (*b*) of section 6 shall hold office during the pleasure of the Central Government.

Medical Benefit Council.

8. (*1*) The Central Government shall constitute a Medical Benefit Council to advise on matters relating to the administration of medical benefit, certification of sickness and other connected matters.

(*2*) The Council shall consist of—

(*a*) the Director General, Indian Medical Service, *ex-officio*, as chairman ;

(b) the Public Health Commissioner to the Government of India, *ex-officio*, as Vice-Chairman ;

(c) the Medical Commissioner of the Corporation *ex-officio* ;

(d) eleven members representing provinces to be nominated by the Provincial Governments in the manner prescribed by the Central Government ;

(e) one member representing employers to be nominated by the Central Government in consultation with such organizations of employers as may be prescribed by the Central Government ;

(f) three members representing workmen to be nominated by the Central Government in consultation with such organizations of workmen as may be prescribed by the Central Government ; and

(g) three members, of whom one shall be a woman, representing the medical profession, to be nominated by the Central Government in consultation with such organizations of medical practitioners as may be prescribed by the Central Government.

(3) Save as expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (a) to (d) of sub-section (2), shall be three years from the date on which his nomination is notified.

(4) A member of the Medical Benefit Council referred to in clause (d) of sub-section (2) shall hold office at the pleasure of the Provincial Government nominating him.

Filling of vacancies.

9. (1) Vacancies in the office of nominated or elected members of the Board, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(2) A member of the Board, the Standing Committee or the Medical Benefit Council nominated or elected in a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

Resignation of membership.

10. A member of the Board, Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Central Government and his seat shall fall vacant on the acceptance of the resignation by that Government.

Cessation of membership.

11. A member of the Board, Standing Committee or the Medical Benefit Council shall cease to be a member of that body if he fails to attend three consecutive meetings thereof :

Provided that the Board, Standing Committee or the Medical Benefit Council, as the case may be

may, subject to rules made by the Central Government in this behalf, restore him to membership.

Disqualification.

12. A person shall be disqualified for being chosen as or for being a member of the Board, the Standing Committee or the Medical Benefit Council—

(a) if he is of unsound mind and stands so declared by a competent court;

(b) if he is an undischarged insolvent;

(c) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a shareholder (not being a Director) of a company; or

(d) if before or after the commencement of this Act, he has been convicted of an offence and sentenced to transportation or imprisonment for not less than two years, unless a period of ten years or such less period as the Governor General may allow in any particular case, has elapsed after his release.

Salaries and allowances.

13. Members of the Board, the Standing Committee and the Medical Benefit Council shall receive such salaries and allowances as may from time to time be prescribed by the Central Government.

Principal Officers.

14. (1) The Central Government may, in consultation with the Board, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely:—

(a) a Director General of Workmen's State Insurance;

(b) an Insurance Commissioner;

(c) a Medical Commissioner;

(d) a Chief Accounts Officer; and

(e) an Actuary.

(2) The Director General shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Central Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for reappointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Central Government.

(6) A person shall be disqualified for being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 12.

(7) The Central Government may at any time remove a Principal Officer from office and shall do so if

such removal is recommended by a resolution of the Board passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Board.

Staff.

15. (*1*) The Board may employ such staff of officers and servants as may be necessary for the efficient transaction of the business of the Corporation provided that the sanction of the Central Government shall be obtained for the creation of any post with a maximum monthly salary of five hundred rupees and above.

(*2*) The Board shall, with the approval of the Central Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(*3*) Every appointment to posts carrying a maximum monthly pay of five hundred rupees and above shall be made in consultation with the Federal Public Service Commission :

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

Powers of Board and Standing Committee.

16. (*1*) The Board shall exercise all the powers and perform all the functions of the Corporation.

(*2*) Subject to the general superintendence and control of the Board, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Board.

(*3*) The Standing Committee shall submit for the consideration and decision of the Board all such cases and matters as may be specified in regulations made in this behalf.

(*4*) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Board.

Board's power to promote measures for health, etc., of workmen.

17. The Board may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of disabled and injured workmen and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Central Government.

Meetings of Board, Standing Committee and Medical Benefit Council.

18. Subject to any rules made under this Act, the Board, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

Supersession of Board and Standing Committee.

19. (*1*) If in the opinion of the Central Government the Board or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, that Government may by notification in the official Gazette supersede the Board or the Committee, as the case may be :

Provided that before issuing a notification under this sub-section the Central Government shall give a reasonable opportunity to the Board or the Standing Committee, as the case may be, for showing cause against the proposal and shall consider the explanations and objections, if any, of the Board or the Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Board or the Standing Committee, all the members of the Board or the Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Board or the Standing Committee has been superseded, the Central Government may—

(a) immediately constitute a new Board under section 4 or, as the case may be, a new Committee under section 6 ; or

(b) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Board or the Committee, as the case may be, and such agency shall be competent to exercise all the powers and perform all the functions of the Board or, as the case may be, of the Committee.

(4) The Central Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Central Legislature at the earliest opportunity and in any case not later than three months from the date of the notification superseding the Board or the Standing Committee, as the case may be.

Duties of Medical Benefit Council.

20. The Medical Benefit Council shall—

(a) advise the Board, the Standing Committee and the Medical Commissioner in matters connected with the administration of medical treatment and attendance ;

(b) have such powers and duties as may be prescribed in relation to complaints by workmen against medical practitioners in connection with medical treatment and attendance ; and

(c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

Duties of Principal Officers.

21. The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

Acts of Board, etc. not invalid by informality, etc.

22. No act of the Board, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Board, the Committee or the Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Board, the Standing Committee or the Medical Benefit Council.

Finance and Audit

Workmen's State Insurance Fund.

23. (1) All moneys received on behalf of the Corporation shall be paid into a Fund called the Workmen's State Insurance Fund which shall be held and administered by the Board for the purposes of this Act.

(2) The Board may accept on behalf of the Corporation donations and gifts from the Central or any Provincial Government, Indian State, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by the Board in this behalf and shall forthwith be paid by them into the Reserve Bank of India or such other bank as may be approved by the Central Government, to an account styled the account of the Workmen's State Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Board.

Purposes for which the Fund may be expended.

24. Subject to the provisions of this Act and of any rules made by the Central Government in that behalf, the Workmen's State Insurance Fund shall be expended only for the following purposes, namely :—

(i) payment of benefits and provision of medical treatment and attendance to workmen in accordance with the provisions of this Act and defraying charges and costs in connection therewith ;

(ii) payment of fees, salaries and allowances to members of the Board, the Standing Committee and the Medical Benefit Council ;

(iii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act ;

(iv) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of workmen ;

(v) payment of contributions to Provincial Governments, Indian States, any private body or individual, towards the cost of medical treatment and attendance provided to workmen, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation ;

(vi) cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities ;

(*vii*) defraying the cost (including all expenses) of the Workmen's Insurance Courts set up under this Act;

(*viii*) payment of any sums under any contract entered into for the purposes of this Act by the Board or the Standing Committee or by any officer duly authorized by the Board or the Committee in that behalf;

(*ix*) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceedings or claim instituted or made against the Corporation;

(*x*) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(*xi*) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and employment of disabled and injured workmen; and

(*xii*) such other purposes as may be authorised by the Board with the previous approval of the Central Government.

Holding of property, etc.

25. (*1*) The Board may, subject to such conditions as may be prescribed by the Central Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

(*2*) Subject to such conditions as may be prescribed by the Central Government, the Board may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time reinvest or realise such investments.

(*3*) The Board may, with the previous sanction of the Central Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(*4*) The Board may constitute for the benefit of its staff or any class of them, such provident or other benefit fund as it may think fit.

Budget estimates

26. The Board shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Central Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Central Government for the discharge of the liabilities incurred by the Board and for the maintenance of a working balance.

Accounts.

27. The Board shall maintain correct accounts of the income and expenditure of the Corporation in such form and in such manner as may be prescribed by the Central Government.

Audit.

28. (*1*) The accounts of the Board shall be audited at such times and in such manner as may be prescribed by auditors appointed by the Central Government.

(*2*) The auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(*3*) The auditors shall forward to the Central Government a copy of their report together with an audited copy of the accounts of the Corporation.

(*4*) The cost of the audit as determined by the Central Government shall be paid out of the funds of the Corporation.

Annual report.

29. (*1*) The Board shall submit to the Central Government an annual report of its work and activities.

(*2*) The report together with the audited accounts of the Corporation shall be placed before the Central Legislature and published in the official Gazette.

Valuation of assets and liabilities.

30. The Board shall, every five years, have a valuation of the assets and liabilities of the Corporation made by a valuer appointed with the approval of the Central Government:

Provided that it shall be open to the Central Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV

Contributions

Contributions.

31. (*1*) The contribution payable under this Act in respect of a workman shall comprise contribution by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the workman (hereinafter referred to as the workman's contribution).

(*2*) The contributions shall be paid at the rates specified in the First Schedule.

(*3*) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(*4*) The contributions payable in respect of each week shall ordinarily be paid on the first day of the week and, in the case of a workman employed after the first day of the week, on the first day of his employment:

Provided that if such first day is a holiday on which payments will not be received, the payment may be made on the working day immediately following:

Provided further that regulations made under this Act may provide that the payment of the weekly contributions may be made at intervals of two or more weeks.

Principal employer to pay contributions in first instance

32. (*1*) The principal employer shall pay in respect of every workman employed in or in connection with any work of a factory (whether employed directly by the principal employer or an immediate employer and whether working in the factory of the principal employer or elsewhere or as an out-worker) both the employer's contribution and the workman's Contribution.

(*2*) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of a workman directly employed by him (not being an exempted workman), be entitled to recover from the workman the workman's contribution by deduction from his wages or otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the workman's contribution for the period proportionate to the number of days for which he was paid wages during that period.

(*3*) Notwithstanding any contract to the contrary, the principal employer shall not be entitled to deduct the employer's contribution from any wages payable to a workman or otherwise to recover it from him.

(*4*) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the workman for the purpose of paying the contribution in respect of which it was deducted.

(*5*) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

Recovery from immediate employer of contribution

33. (*1*) A principal employer, who has paid contribution in respect of a workman directly employed by an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the workman's contribution if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(*2*) In the case referred to in sub-section (*1*), the immediate employer shall be entitled to recover the workman's contribution from the workman directly employed by him by deduction from wages or otherwise, subject to the conditions specified in sub-section (*2*) of section 32.

General provisions as to payment of contributions

34. (*1*) No workman's contribution shall be payable by or on behalf of a workman whose average daily wages do not exceed ten annas.

Explanation.—The average daily wages of a workman shall be calculated in the manner specified in the First Schedule.

(*2*) Contribution (both the employer's contribution and the workman's contribution) shall be payable by the principal employer for each week during the whole or part of which a workman was employed :

Provided that where no services were rendered by a workman during any whole week and no wages were paid to him in respect of that week the employer shall not be liable to pay any contribution either on his own behalf or on behalf of the workman, in respect of that week.

(*3*) Where a workman is paid wages for a portion of the week, the employer shall be liable to pay both the employer's contribution and the workman's contribution for the week in full but shall be entitled to recover from the workman as his share of the contribution only such amount as is proportionate to the number of days in the week for which he is paid wages.

(*4*) Where a weekly contribution has been paid in respect of a workman for any week, no further contribution shall be payable in respect of that workman for the same week.

(*5*) Where a workman is employed by more than one principal employer in a week, the principal employer who first employed him in that week shall be deemed to be the employer for the purposes of this Act relating to the payment of contribution :

Provided that such employer shall be entitled to recover a proportionate part of the contribution paid by him in respect of the workman from the employer or employers who subsequently employed the workman during the same week.

Explanation.—For the purposes of this section, a workman who receives leave allowances (however described) at rates not less than one-half of his daily wages, shall be deemed to have received wages.

Method of payment of contributions

35. Subject to the provisions of this Act, the Board may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act and without prejudice to the generality of the foregoing power such regulations may provide for—

(*a*) the manner in which payments of contributions may be made ;

(*b*) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at or under which, such stamps are to be affixed or impressed ;

(*c*) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate ; and

(*d*) the issue, sale, custody, production and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

36. (*1*) Every principal and immediate employer shall submit to the Board or to such officer of the Corporation as the Board may direct such returns in such form and containing such particulars relating to the workmen employed by him, as may be specified in regulations made in this behalf. **Returns by employers**

(*2*) Any inspector appointed by the Board for the purposes of this Act (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by the Board may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in sub-section (*1*) or for the purpose of ascertaining whether any of the provisions of this Act has been complied with—

(*a*) require any principal or immediate employer to submit to such inspector or other official such accounts, books and other documents relating to the employment of workmen and payment of wages or to furnish to him such information as he may consider necessary; or

(*b*) at any reasonable time enter any office factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of workmen and payment of wages or to furnish to him such information as he may consider necessary; or

(*c*) examine, with respect to any matter relevant to the purposes aforesaid the principal or immediate employer, his agent or servant, or any person found in such factory, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an insured person, and require the person examined to sign a declaration of the truth of the statement made by him on such examination.

(*3*) An inspector shall exercise such functions and perform such duties as may be authorized by the Board or as may be specified in the regulations.

CHAPTER V

Benefits

37. (*1*) Subject to the provisions of this Act, the benefits conferred upon insured persons are— **Benefits**

(*a*) periodical payments while rendered incapable of working by sickness (hereinafter referred to as sickness cash benefit);

(*b*) cash payments, in the case of confinement, to a woman worker (hereinafter referred to as maternity benefit);

(c) periodical payments during continuance of incapacity for work by reason of employment injury (hereinafter referred to as disablement benefit);

(d) periodical payments to the dependants of an insured person who dies by reason of employment injury (hereinafter referred to as dependant's benefit); and

(e) medical treatment and attendance (hereinafter referred to as medical benefit).

(2) Where the provisions of this Act relating only to some of the benefits have been made applicable in relation to a factory, the workmen employed in or in connection with the work of the factory, shall be entitled only to the benefits provided by the provisions so made applicable.

(3) Subject to the provisions of this Act, a workman shall not be entitled to receive the benefit unless—

(a) in the case of sickness cash benefit, he is fied by a duly appointed medical practitioner incapable of working by reason of sickness;

(b) in the case of maternity benefit, the woman is certified to be eligible for that benefit by an authority authorized in this behalf by regulations; and

(c) in the case of disablement or dependant's benefit, he is entitled to compensation under the Workmen's Compensation Act, 1923. VIII of 1923

Entry into scheme

38. A workman shall be deemed to have entered into the insurance scheme from the beginning of the first week for which contribution in respect of him is paid.

Sickness cash benefit

39. (1) Subject to the provisions of this Act and the regulations, if any, a workman who is or has been an insured person shall, if certified by a duly appointed medical practitioner to be incapable of working by reason of sickness, be entitled to receive sickness cash benefit at the rate specified in this behalf in the Second Schedule, for such period as will, together with any period or periods, during which he has already received the benefit, make up a total period of eight weeks during any continuous period of twelve months.

(2) No sickness cash benefit shall be payable for an initial waiting period of three days.

(3) Sickness cash benefit shall be payable for seven days in the week.

(4) A workman shall not be qualified to receive the sickness cash benefit unless—

(a) not less than six months have elapsed after his entry into the insurance scheme; and

(b) not less than seventeen weekly contributions in respect of the workmen have been paid in a continuous period of six months preceding the week in which the benefit is claimed or the week from which the protected period commences, as the case may be.

(5) A workman, who ceases to be an insured person for over a continuous period of six months, shall be deemed on his re-entry into the insurance scheme to be a new entrant and the provisions of this Act shall apply to him accordingly.

(6) In computing the continuous period of twelve months referred to in sub-section (1) or the continuous period of six months referred to in sub-sections (4) and (5), the following periods or any combination of them, shall not be taken into account or deemed to constitute a break in the continuity, namely :—

(a) any period during which the workman is in receipt of sickness cash benefit (including the initial waiting period of three days), or maternity benefit ; and

(b) any period not exceeding six months during which he is in receipt of disablement benefit at full rates specified in the Second Schedule (hereinafter referred to as full rates) for temporary disablement.

(7) A person who has ceased to be an insured person shall be entitled to retain his right to sickness cash benefit for, and subject to the other provisions of this section be eligible to receive such benefit within, a period of six months commencing with the week in which he ceases to be an insured person, if at the time of such ceasing he was otherwise qualified for the benefit under sub-section (4).

(8) The right conferred on any person by sub-section (7) shall not be adversely affected by reason of that person becoming an insured person within the period of six months referred to therein.

40. (1) Subject to the provisions of this Act and the regulations, if any, maternity benefit shall be payable to a woman, who is or has been an insured person at the rate of twelve annas a day for a period of twelve weeks of which not more than six weeks shall precede the confinement. **Maternity benefit**

(2) Maternity benefit shall be payable for seven days in the week.

(3) A woman shall not be qualified for the maternity benefit unless—

(i) not less than twenty-six weekly contributions in respect of the woman have been paid within a continuous period of twelve months immediately preceding the week in which she is confined or in which she gives notice of pregnancy before confinement, whichever is more advantageous to her, or the week from which the protected period commences;

(ii) at least five out of the said twenty-six contributions have been paid before thirty-five weeks preceding the week in which the confinement takes place or notice of pregnancy is given or the week from which the protected period commences as the case may be.

(4) In computing the continuous period of twelve months referred to in sub-section (3), the following periods or any combination of them shall not be taken into account or be deemed to constitute a break in the continuity, namely :—

(a) any period during which the woman was in receipt of sickness cash benefit (including the initial waiting period of three days);

(b) any period during which she was in receipt of maternity benefit in respect of a previous confinement; and

(c) any period not exceeding six months during which she was in receipt of disablement benefit at full rates for temporary disablement.

(5) A woman who has ceased to be an insured person shall be entitled to retain her right to maternity benefit for, and subject to the other provisions of this section be eligible to receive such benefit within a period of six months commencing with the week in which she ceased to be an insured person, if at the time of such ceasing she was otherwise qualified for the benefit under this section.

(6) The right conferred by sub-section (5) shall not be adversely affected by reason of the woman becoming an insured person within the period of six months referred to therein.

benefit

41. (1) Subject to the provisions of this Act, disablement benefit shall be payable—

(a) to a workman who sustains temporary disablement, during the period of such disablement;

(b) to a workman who sustains permanent partial disablement, during his life;

(c) to a workman who sustains permanent total disablement, during his life; and

(d) to the dependants of a workman who dies of an employment injury, for such period as is specified in this behalf in the Second Schedule.

(2) No disablement benefit shall be payable for the initial waiting period of three days.

(3) Disablement benefit shall be paid in the scale and subject to the conditions specified in this behalf in the Second Schedule.

Disablement and dependant's benefits

42. Where an insured person is entitled to receive or recover, whether from his employer or any other person, any compensation or damages under the Workmen's Compensation Act, 1923, or otherwise in respect of any employment injury, then the following provisions shall apply, namely :— VIII of 1923

(i) The insure dperson shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act (but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1923) from the Corporation and not from the employer or other person. VIII of 1923

(*ii*) If the insured person dies as a result of the employment injury (whether or not he was in receipt of any periodical cash payment for temporary disablement in respect of the injury), dependant's benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(*iii*) In case the insured person does not leave behind him any widow or children as aforesaid or in the case of a woman worker if she does not leave behind her any children as aforesaid, dependant's benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1923. VIII of 1923

(*iv*) The amount of dependant's benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the workman as benefit on permanent total disablement.

(*v*) Save as modified by this Act, the obligations and liabilities imposed on an employer by the Workmen's Compensation Act, 1923, shall continue to apply to him. VIII of 1923

Medical examination

43. All medical examinations and treatment referred to in the Workmen's Compensation Act, 1923 shall for the purposes of this Act, be carried out by duly appointed medical practitioners. VIII of 1923

Review of benefits

44. (*1*) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1923, on the application of— VIII of 1923

(*a*) an Insurance Officer of the Corporation, or

(*b*) the person receiving the benefit, and such application shall be accompanied by a certificate of a duly appointed medical officer:

Provided that such application may be made without such certificate in such circumstances as may be specified in regulations made in this behalf.

(*2*) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

Medical benefit

45. (*1*) An insured person shall be entitled to the medical benefit in the case of maternity, sickness and injury.

(*2*) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary or visits to the home of the insured person or treatment as in-patient in a hospital or other institution.

(*3*) Medical treatment shall include medical, surgical and obstetric treatment.

Out-patient treatment in a hospital or dispensary may be given to a person without limit of time so long as he continues to be an insured person and thereafter in the case of a person referred to in sub-section (7) of section 39, during the protected period and inother cases for a period of three months.

(5) Treatment as an in-patient in a hospital or other institution shall be available to an insured person in need of such treatment only so long as he is entitled to sickness cash benefit, disablement benefit or maternity benefit.

(6) When an insured person is receiving treatment as in-patient in a hospital or other institution, sickness cash benefit and disablement benefit payable to him shall be reduced to one-half of the amount which he would otherwise be entitled to receive :

Provided that the amount of such reduced benefits payable to any person shall not be less than four annas per day.

Scale of medical benefit

46. (*1*) An insured person shall be entitled to receive medical benefit only in such scale as may be provided by the Provincial Government or as the Board is able to provide and no insured person shall have a right to claim any medical treatment except such as is provided by the dispensary, hospital or other institution to which the factory in or in connection with which he is working, is allotted.

(*2*) Nothing in this Act shall entitle an insured person to claim reimbursement from the Corporation of any expense incurred by him in respect of any medical treatment.

Provision of medica ltreatment by Provincial Government

47. (*1*) The Provincial Government shall provide for insured persons in the Province reasonable medical, surgical and obstetric treatment (as out-patient or in-patient as the circumstances of the case may require) at dispensaries, hospitals or other institutions.

(*2*) Where the incidence of sickness cash benefit payment to workmen in any Province is found to exceed the all-India average, the amount of such excess shall be shared between the Corporation and the Provincial Government in such proportion as may be fixed by agreement between them :

Provided that the Corporation may in any case waive the recovery of the whole or any part of the share which is to be borne by the Provincial Government.

(*3*) The Board may enter into any agreement with a Provincial Government in regard to the nature and extent of the medical treatment that should be provided to workmen (including provision of buildings equipment, medicines and staff) and for the sharing of the cost thereof and of any excessive incidence of sickness cash benefit, between the Corporation and the Provincial Government.

(*4*) In default of agreement between the Corporation and any Provincial Government as aforesaid the nature and extent of the medical treatment to be

provided by the Provincial Government and the proportion in which the cost thereof and of the excessive incidence of sickness cash benefit shall be shared between the Corporation and that Government, shall be determined by an arbitrator (who shall be a Judge of the High Court of the Province) appointed by the Chief Justice of the Province and the award of the arbitrator shall be binding on the Corporation and the Provincial Government.

48. (*1*) The Corporation may, with the approval of the Provincial Government, establish and maintain in a Province such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of workmen. **Establishment and maintenance of hospitals, etc., by Corporation**

(*2*) The Corporation may enter into agreements with Indian States, private bodies or individuals in regard to the provision of medical treatment and attendance for workmen in any area and the sharing of the cost thereof.

General

49. (*1*) The right to receive any future payment of any benefit under this Act shall not be transferable or assignable. **Benefit not assignable or attachable**

(*2*) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

50. When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment. **Bar of benefits under other enactments**

51. (*1*) A workman shall not be entitled to accumulate any cash benefit admissible under this Act. **Workmen not to accumulate or commute cash benefits**

(*2*) Save as may be provided in the regulations, a workman shall not be entitled to commute for a lump sum any periodical payment admissible under this Act.

52. No person shall be entitled to receive sickness cash benefit or maternity benefit, or to receive disablement benefit at full rates for temporary disablement on any day on which he works and receives wages. **Workmen not entitled to receive benefits in certain cases**

53. A person who is in receipt of sickness cash benefit or disablement benefit (other than benefit granted on permanent disablement)— **Workmen to observe conditions**

(*a*) shall remain under medical treatment at a dispensary, hospital or other institution provided under this Act and shall carry out the instructions given by the medical officer in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(*c*) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer or of

such other authority as may be specified in this behalf by regulations; and

(*d*) shall allow himself to be examined by any duly appointed medical officer or sick visitor or other person authorised by the Board in this behalf

Benefits not to be combined

54. A workman shall not be entitled to receive for the same period—

(*a*) both sickness cash benefit and maternity benefit; or

(*b*) both sickness cash benefit and disablement benefit at full rates for temporary disablement; or

(*c*) both maternity benefit and disablement benefit at full rates for temporary disablement.

Specia provision where workman receives compensation or damages

55. Where any insured person has received or recovered from his employer or any other person any compensation or damages under the Workmen's Compensation Act, 1923, or otherwise in respect of any employment injury, the following provisions shall apply, namely:— **VIII of 1923.**

(*a*) No sickness cash benefit or disablement benefit shall be payable to the workman in respect of the employment injury in any case where the weekly sum, or the weekly value of the lump sum, received or recovered by him as compensation or damages is equal to or greater than the benefit which would otherwise have been payable to him under this Act.

(*b*) Where the weekly sum or the weekly value of the lump sum received or recovered as compensation or damages is less than the benefit otherwise payable to the workman under this Act, such part only of the benefit shall be payable to him as, together with the weekly sum or weekly value of the lump sum received or recovered as compensation or damages, will be equal to the benefit.

(*c*) For the purposes of this Act, the weekly value of any lump sum received or recovered by a workman as compensation or damages shall be determined in such manner as may be specified in the regulations.

Corporation's right orecover damage from employer in certain cases

56. (*1*) Where any employment injury is sustained by an insured person by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or by reason of any wrongful act of the employer or his agent, the Corporation shall (unless the workman has received or recovered from the employer compensation for the employment injury) be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1923, the actuarial present value of the periodical payments which the Corporation is liable to make under this Act. **VIII of 1923.**

(*2*) For the purposes of this Act, the acturial present value of the periodical payments shall be determined in such manner as may be specified in regulations.

57. Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability of some person other than the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable :

Corporation's right to be indemnified in certain cases

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the workmen sustaining the employment injury.

58. (*1*) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any workman and by reason thereof the workman is disentitled to any benefit or is entitled to a benefit on a lower scale the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the workman the benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Corporation shall be entitled to recover from the principal employer either—

Corporation's right to recover contribution neglected to be paid by prin. P employer

(*i*) the difference between the amount of benefit which is paid to the workman and the amount of the benefit which would be payable on the basis of the contributions actually paid by the employer ; or

(*ii*) twice the amount of the contributions which the employer failed or neglected to pay ;

whichever is greater.

(*2*) The amount recoverable under this section may be recovered as if it were an arrear of land revenue.

59. (*1*) Where it is alleged by the Board that the incidence of sickness among insured persons is excessive by reason of—

Liability of owner or occupier of factories, etc., for excessive sickness cash benefit

(*i*) insanitary working conditions in a factory or the neglect of the owner or occupier of the factory to observe any health regulations enjoined on him by or under any enactment, or

(*ii*) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary condition is attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment,

the Board may send to the owner or occupier of the factory or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure alleged to have been incurred by the Corporation as sickness cash benefit ; and if the claim is not settled by agreement, the Board may refer the matter, with a statement in support of its claim, to the Provincial Government.

(*2*) If the Provincial Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person to hold an inquiry into the matter.

(3) If upon such inquiry it is proved to the satisfaction of the person holding the inquiry that the excessive incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or the owner of the tenements or lodgings, as the case may be, the said person shall determine the amount of the extra expenditure incurred as sickness cash benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil Court.

(5) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

Workman to repay benefit improperly received

60. (1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land revenue

Benefit payable up to and including day of death of workman

61. If a workman dies during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased workman in writing in such form as may be specified in the regulations or, if there is no such nomination, to the legal heir of the deceased workman.

Employer not to reduce wages, etc.

62. No employer by reason of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of, or any privileges or benefits conferred on, any workman by the conditions of his service prevailing at the time the provisions of this Act were made applicable to him.

Employer not to dismiss or punish workman during period of sickness, etc.

63. (1) No employer shall dismiss, discharge or reduce any workman or punish him in any other manner-

(a) during the period he is under medical treatment or is in receipt of sickness cash benefit or maternity benefit; or

(b) while he is in receipt of disablement benefit, except in accordance with the regulations made under this Act; or

(c) in the case of a woman worker during such period of her absence from work as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, as may be specified in the regulations.

(2) Any notice of dismissal, discharge or reduction given to a workman which expires during the period specified in sub-section (1) shall be invalid and inoperative.

CHAPTER VI

Adjudication of Disputes and Claims

Constitution of Workmen's Insurance Court

64. (1) The Provincial Government shall, by notification in the official Gazette, constitute a Workmen's Insurance Court for such local area as may be specified in the notification.

(2) The Court shall consist of such number of Judges as the Provincial Government may think fit.

(3) The Provincial Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(4) Where more than one Court has been appointed for the same local area, the Provincial Government may by general or special order, regulate the distribution of business between them.

Matters to be decided by Workmen's Insurance Court

65. (1) If any question or dispute arises as to—

(a) whether any person is a workman within the meaning of this Act or whether he is liable to pay the workman's contribution; or

(b) the rate of wages or average daily wages of a workman; or

(c) the rate of contribution payable by a principal employer in respect of any workman; or

(d) the person who is or was the principal employer in respect of any workman; or

(e) the right of any person to any benefit and as to the amount and duration thereof; or

(f) the weekly value of any lump sum received or recovered by a workman as compensation or damages referred to in section 55; or

(g) the actuarial present value of the periodical payments referred to in section 56; or

(h) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a workman and the Corporation or between a workman and a principal or immediate employer, in respect of any contribution or benefit payable or recoverable under this Act;

such question or dispute shall be decided by the Workmen's Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Workmen's Insurance Court, namely:—

(a) claim for the recovery of contributions from the principal employer;

(b) claim by a principal employer to recover contributions from any immediate employer ;

(c) claim under section 56 or 57 made by the Corporation against the employer or other person liable thereunder ;

(d) claim against a principal employer under section 58 ;

(e) claim under section 60 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto ; and

(f) any claim for the recovery of any benefit admissible under this Act.

(3) No civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Workmen's Insurance Court.

Institution of proceedings, etc.

66. (1) Subject to the provisions of this Act and any rules made by the Provincial Government, all proceedings before the Workmen's Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Workmen's Insurance Court in the same Province, it may, subject to any rules made by the Provincial Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) The Provincial Government may transfer any matter pending before any Workmen's Insurance Court in the Province to any such Court in another Province with the consent of the Provincial Government of that Province.

(4) The Court to which any matter is transferred under sub-section (2) or sub-section (3) shall continue the proceedings as if they had been originally instituted in it.

Commencement of proceedings.

67. (1) The proceedings before a Workmen's Insurance Court shall be commenced by application.

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Provincial Government.

Powers of Workmen's Insurance Court

68. (1) The Workmen's Insurance Court shall have all the powers of a civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence ; and such Court shall be deemed to be a civil Court within the meaning of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898. **V of 1898.**

(2) The Workmen's Insurance Court shall follow such procedure as may be prescribed by rules made by the Provincial Government.

(3) All costs incidental to any proceeding before a Workmen's Insurance Court shall, subject to such rules as may be made in this behalf by the Provincial Government, be in the discretion of the Court.

(4) An order of the Workmen's Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil Court.

Appearance by legal practitioners, etc.

69. Any application, appearance or act required to be made or done by any person to or before a Workmen's Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorized in writing by such person.

Benefit not admissible unless claimed in time

70. A Workmen's Insurance Court shall not direct the payment of any benefit to a person unless he has made a claim for such benefit in accordance with the regulations made in that behalf, within six months after the claim became due:

Provided that if the Court is satisfied that there was reasonable excuse for not making a claim for the benefit within six months after it became due, it may direct the payment of the benefit as if the claim had been made in time.

Reference to High Court

71. A Workmen's Insurance Court may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.

Appeal

72. (1) Save as expressly provided in this section, no appeal shall lie from an order of a Workmen's Insurance Court.

(2) An appeal shall lie to the High Court from an order of a Workmen's Insurance Court if it involves a substantial question of law.

(3) An appeal under sub-section (2) shall be presented within sixty days of the date of the order appealed against.

(4) The provisions of section 5 of the Indian Limitation Act, 1908, shall apply to appeals under this section. XI of 1908

Stay of payment pending appeal

73. Where the Corporation has presented an appeal against an order of the Workmen's Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII

Penalties

Punishment for false statement

74. Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Act,

or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Punishment for failure to pay contributions, etc.

75. If any person—

(*a*) fails to pay any contribution which under this Act he is liable to pay; or

(*b*) deducts or attempts to deduct from the wages of a workman the whole or any part of the employer's contribution; or

(*c*) reduces the wages or any privileges or benefits admissible to a workman, in contravention of section 62 ; or

(*d*) dismisses, discharges, reduces or otherwise punishes a workman in contravention of section 63 or any regulation ; or

(*e*) fails or refuses to submit any return required by the regulations or makes a false return ; or

(*f*) obstructs any inspector or other official of the Corporation in the discharge of his duties ; or

(*g*) is guilty of any contravention of or non-compliance with any of the requirements of this Act or the regulations in respect of which no special penalty is provided ;

he shall be punishable with fine which may extend to five hundred rupees.

Enhanced fine on second or subsequent conviction for same offence in certain cases

76. If any person who has been convicted of any offence under section 74 or 75 is again guilty of the same offence, the fine that may be imposed on him may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees and in the case of a third or subsequent conviction for the same offence the fine that may be imposed on such person may extend to one thousand rupees and shall not be less than two hundred and fifty rupees :

Provided that, for the purposes of this section the Court shall not take into account any conviction made more than two years before the commission of the offence which is being punished :

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons, impose a smaller fine than is required by this section.

Prosecutions

77. (*1*) No prosecution under this Act shall be instituted except by or with the previous sanction of the Insurance Commissioner.

(*2*) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII

Miscellaneous

Exemptions

78. The Provincial Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or class or group of factories from the operation of all or any of the provisions of this Act, for a period not exceeding one year and may thereafter from time to time by like notification renew any such exemption for periods not exceeding one year at a time :

Provided that no such exemption shall be granted or renewed after the expiry of four months after the commencement of this Act unless a reasonable opportunity has been given to the Board to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Provincial Government.

Power of Central Government to give directions

79. The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.

Corporation officers and servants to be public servants

80. All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860

Contributions, etc., due to Corporation to have priority over other debts

81. There shall be deemed to be included among the debts which, under section 49 of the Presidency-towns Insolvency Act, 1909, or under section 61 of the Provincial Insolvency Act, 1920, or under section 230 of the Indian Companies Act, 1913, are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

III of 1909
V of 1920
VII of 1913

Power of Central Government to make rules

82. (1) The Central Government may, subject to the condition of previous publication, make rules not inconsistent with this Act in regard to the incorporation, regulation and winding up of the Corporation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which nominations and elections of members of the Board, Standing Committee and Medical Benefit Council shall be made ;

(b) the quorum at meetings of the Board, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year ;

(c) the records to be kept of the transaction of business by the Board, Standing Committee and the Medical Benefit Council;

(d) the powers and duties of the Principa Officers and the conditions of their service;

(e) the powers and duties of the Medical Benefit Council;

(f) the procedure to be adopted in the execution of contracts;

(g) the acquisition, holding and disposal of property by the Board;

(h) the raising and re-payment of loans;

(i) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;

(j) the basis on which the periodical valdation of the assets and liabilities of the Corporation shall be made;

(k) the bank or banks in which the Corporation funds may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorized;

(l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(n) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(o) the establishment and maintenance of provident or other benefit fund for officers and servants of the Board ; and

(p) any matter which is required or allowed by this Act to be prescribed by the Central Government.

(3) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

Power of Provincial Government to make rules

83. (1) The Provincial Government may, subject to the condition of prevous publication, make rules not inconsistent with this Act in regard to all or any of the following matters, namey :—

(a) the consttution of Workmen's Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges;

(b) the procedure to be followed in proceedings before such Courts and the execution of orders made by such Courts;

(c) the fee payable in respect of applications made to the Workmen's Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications;

(d) the establishment of hospitals, dispensaries and other institutions, the allotment of particular factories to any such hospital, dispensary or other institution;

(e) the scale of medical benefit which shall be provided at any such hospital, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;

(f) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;

(g) the conditions of service of the staff employed at such hospitals, dispensaries and institutions; and

(h) any other matter which is required or allowed by this Act to be prescribed by the Provincial Government.

(2) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

Power of Board to make regulations

84. (1) The Board may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the time and place of meetings of the Board, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings;

(b) the matters which shall be referred by the Standing Committee to the Board for decision;

(c) the manner in which any contribution payable under this Act shall be assessed and collected;

(d) the certification of sickness and eligibility for any cash benefit;

(e) the method of determining the actuarial present value of periodical payments;

(f) the method of determining the weekly value of any lump sum received or recovered by a workman as compensation or damages;

(g) the assessing of the money value of any benefit which is not a cash benefit;

(h) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim;

(i) the circumstances in which a workman in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;

(j) the manner in which and the place and time at which any benefit shall be paid;

(k) the method of calculating the amount of cash benefit payable to a workman and the circumstances in which and the extent to which commutation of disablement and dependants benefits, may be allowed and the method of calculating the commutation value;

(l) the notice of pregnancy or of confinement and notice and proof of sickness;

(m) the conditions under which any benefit may be suspended;

(n) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;

(o) the visiting of sick persons;

(p) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates;

(q) the penalties for breach of regulations by fine (not exceeding five rupees for a first breach and not exceeding ten rupees for any subsequent breach) or suspension of benefits (for a period not exceeding one year), which may be imposed on workmen;

(r) the circumstances in which and the conditions subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted;

(s) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(t) the duties and powers of inspectors and other officers and servants of the corporation;

(u) the conditions of service of the officers and servants of the Corporation other than the Principal Officers;

(v) the procedure to be followed in remitting contributions to the Corporation;

(w) the portion of the expenses of remitting contributions which should be borne by the principal employer, and

(x) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Board shall be published in the *Gazette of India* and thereupon shall have effect as if enacted in this Act.

Corporation may undertake duties in the Indian States

85. The Corporation may, at the request of the Government of an Indian State and with the previous permission of the Central Government and subject to such conditions as may be imposed by it, undertake to discharge in the Indian State any duty which may be specified in a State law corresponding to this Act.

Enhancement of benefits

86. At any time when the funds of the Corporation so permit, the Board may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given.

SCHEDULE I

(*See* section 31)

1. The amount of weekly contribution payable in respect of a workman shall be calculated with reference to his average daily wages.

2. The average daily wages shall be—

(*a*) in respect of a workman employed on daily wages, the amount of wages earned during the previous week divided by the number of days worked (reckoned in terms of full working days);

(*b*) in respect of a workman employed on weekly wages, the amount earned in the previous week divided by the number of days worked (reckoned in terms of full working days);

(*c*) in respect of a workman employed on monthly wages, the amount earned in the previous month divided by the number of days worked (reckoned in terms of full working days);

(*d*) in respect of a workman employed on the basis of any other wage period, the wages for the period previous to the week for which contribution is due divided by the number of days worked (reckoned in terms of full working days) during the period;

(*e*) in respect of a workman paid at piece-work rate, the amount earned during the previous week divided by the number of days worked (reckoned in terms of full working days);

(*f*) in respect of a workman who does not fall under clauses (*a*) to (*e*), the amount calculated on the basis of wages earned for the day on which the contribution is due.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, workmen shall be divided into six groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The workmen's contribution and employer's contribution payable in respect of the group of workmen specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE

Group of workmen 1	Workmen's contribution (recoverable from workmen) 2			Employer's contribution 3			Total contribution (workmen's and employer's contribution). 4		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1. Workmen whose average daily wages are below 10 annas.	Nil			0	5	6	0	5	6
2. Workmen whose average daily wages are 10 annas and above but below Re. 1.	0	1	0	0	6	0	0	7	0
3. Workmen whose average daily wages are Re. 1 and above but below Rs. 1-8-0.	0	2	0	0	7	0	0	9	0
4. Workmen whose average daily wages are Rs. 1-8-0 and above but below Rs. 2.	0	4	0	0	8	0	0	12	0
5. Workmen whose average daily wages are Rs. 2 and above but below Rs. 3.	0	6	0	0	12	0	1	2	0
6. Workmen whose average daily wages are Rs. 3 and above.	0	8	0	1	0	0	1	8	0

SCHEDULE II

(*See* sections 39, 41 and 42)

Sickness Cash Benefit and Disablement and Dependants' Benefits.

1. The average daily wages of a workman in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness cash benefit and disablement and dependants' benefits be the rate specified in the corresponding entry in the second column thereof.

TABLE

Group of workmen	Average daily wages		
	Rs.	A.	P.
1. Workmen whose average daily wages are below 10 annas a day.	0	8	0
2. Workmen whose average daily wages are 10 annas and above, but below Re. 1	0	13	0
3. Workmen whose average daily wages are Re. 1 and above, but below Rs. 1-8-0.	1	4	0
4. Workmen whose average daily wages are Rs. 1-8-0. and above, but below Rs. 2.	1	12	0
5. Workmen whose average daily wages are Rs. 2 and above, but below Rs. 3.	2	8	0
6. Workmen whose average daily wages are Rs. 3 and above.	3	8	0

2. The sickness cash benefit shall be an amount equivalent to one-half of the sum of the average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the workman during the period of twenty-six weeks immediately preceding the week in which the claim falls due, divided by twenty-six; provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the average daily wages of a workman were 8 annas a day for 10 weeks, 13 annas a day for 10 weeks and Rs. 1-4-0 a day for 6 weeks, the average daily wages during the preceding 26 weeks will be :—

$$\frac{10\times 8+10\times 13+6\times 20}{26}=12\frac{18}{26} \text{ annas.}$$

The sickness cash benefit payable will then be $6\frac{9}{26}$ annas, rounded to the next higher anna, namely, 7 annas a day.

Example 2.—If the workman worked for only 17 weeks in the period of 26 weeks and his average daily wages were 13 annas for 10 weeks and Rs. 1-4-0 for 7 weeks, the average daily wages during the preceding 26 weeks will be :—

$$\frac{10\times 13+7\times 20}{26}=10\frac{10}{26} \text{ annas.}$$

The sickness cash benefit payable will then be $5\frac{5}{6}$ annas a day, rounded to the next higher anna, namely, 6 annas.

Example 3.—If the workman worked for 21 weeks and his average daily wages were Rs. 1-4-0 throughout the period, the average daily wages during the preceding 26 weeks will be :—

$$\frac{20\times 21}{26}=16\frac{4}{26} \text{ annas.}$$

The sickness cash benefit payable will be $8\frac{2}{26}$ annas, rounded to the next higher anna, namely, 9 annas.

3. The sickness cash benefit admissible to a person claiming the benefit during a protected period shall be calculated on the basis of his average daily wages during the twenty-six weeks preceding the week in which the protected period commenced.

4. Disablement benefit and dependants' benefit shall be an amount equivalent to one-half of the sum of the average daily wages for each of the weeks for which contributions were paid in respect of the workman during the period of fifty-two weeks immediately preceding the week in which the claim falls due divided by the number of weeks for which contributions were so paid;

provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the average daily wages of a workman are 8 annas a day for 20 weeks, 13 annas a day for 20 weeks and Rs. 1-4-0 a day for 12 weeks the average daily wages during the preceding 52 weeks will be :—

$$\frac{20\times 8+20\times 13+12\times 20}{52}=12\frac{18}{26}\text{ annas.}$$

The disablement or dependants' benefit will then be $6\frac{9}{26}$ annas, rounded to the next higher anna, *i.e.*, 7 annas a day.

Example 2.—If the workman works only for 34 weeks in the period of 52 weeks preceding the week in which the claim falls due and his average daily wages were 13 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average daily wages during the preceding 52 weeks will be :—

$$\frac{20\times 13+14\times 20}{34}=15\frac{30}{34}\text{ annas.}$$

The disablement or dependants' benefit will be $7\frac{32}{34}$ annas, rounded to the next higher anna namely, 8 annas a day.

Example 3.—If the workman worked for only two weeks during the 52 weeks preceding the week in which the claim falls due, and the average daily wages were Rs. 2-8-0 a day, the average daily wages during the preceding 52 weeks will be :—

$$\frac{2\times 40}{2}=40\text{ annas.}$$

The disablement and dependants' benefit will be 20 annas or Rs. 1-4-0 a day.

The disablement or dependants' benefits calculated as aforesaid shall be called the full rate.

5. The benefit shall be payable to a workman or his dependants qualified or adjudged to be eligible under the Workmen's Compensation Act, 1923, as follows :— VIII of 1923

(*i*) to a workman—

(*a*) for temporary disablement, during the period of such disablement, at the full rate ;

(*b*) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1923, for life ; VIII of 1923

(c) for permanent total disablement, at the full rate for life ;

(ii) in the case of the death of the workman, to his widow or widows and legitimate children as follows :—

(a) to the widow during life or until re-marriage, an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows ;

(b) to each legitimate son, an amount equivalent to two-fifths of the full rate until he attains eighteen years of age ;

(c) to each legitimate daughter, an amount equivalent to two-fifths of the full rate until she attains eighteen years of age or until marriage, whichever is earlier :

Provided that if the total of the dependants' benefits distributed among the widow or widows and legitimate childern of the deceased workman as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

6. In case the deceased workman does not leave a widow or legitimate child, dependants' benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, VIII of 1923 1923, shall be payable as follows :—

(a) to a parent or grand parent, for life ;

(b) to any other male dependant, until he attains eighteen years of age ;

(c) to any other female dependant, until she attains eighteen years of age or until marriage, whichever is earlier, or if widowed, until she attains eighteen years of age.

7. The sickness cash benefit calculated under paragraphs 2 and 3 and the disablement or dependants' benefit calculated under paragraph 4 shall be subject to a minimum of 4 annas a day and a maximum of Rs. 1-12-0 a day.

STATEMENT OF OBJECTS AND REASONS

1. The introduction of a scheme of Health Insurance for Insdustrial Workers has been under the consideration of the Government of India for a long time. The necessity for such a scheme has become more urgent in view of the conditions brought about by war. The scheme envisaged is one of compulsory state insurance providing for certain benefits in the event of sickness, maternity and employment injury to workmen employed in or in connection with work in factories other than seasonal factories.

2. A scheme of this nature has to be planned on an all-India basis and administered uniformly throughout the country. With this object, the administration of the scheme is proposed to be entrusted to a Corporation constituted by central legislation.

3. The functions of the Corporation will be performed by a Central Board constituted of representatives of Central and Provincial Governments, and of employers, workers and the medical profession. The Board will also include certain members elected by the Central Legislative Assembly. A Standing Committee of the Board will act as the Executive of the Board, and a Medical Benefit Council will also be set up to advise on matters relating to the administration of medical benefit.

4. The insurance fund will be mainly derived from contributions from employers and workmen. The contributions payable in respect of each workman will be based on his average wages and will be payable in the first instance by the employer. The employer will be entitled to recover the workman's share from the wages of the workmen concerned. Workmen whose earnings do not exceed 10 annas a day will be totally exempt from payment of any share of the contribution, the entire contribution on account of such workmen being met by employer. Provision has been made for the preparation of proper budgets and the audit of accounts.

5. The insured workman will be entitled to the following benefits—

(a) *Sickness Cash Benefit.*—A workman, if certified sick and incapable of working, will receive for a period not exceeding 8 weeks in any continuous 12-monthly period, a cash allowance equal approximately to half his average daily wages during previous six months. He will also be entitled to receive medical care and treatment at such hospitals, dispensaries or other institutions to which the factory in which he is employed may be allotted.

(b) *Maternity Benefit.*—Woman workers will be entitled to receive a maternity benefit at 12 annas a day for 12 weeks. They will also be entitled to medical aid at the aforesaid medical institutions.

(c) *Disablement and Dependents' Benefits.*—A workman disabled by employment injury will receive, for the period of disablement or life depending on whether the disablement is temporary or full and permanent as the case may be, a monthly pension equivalent to half his average wages during the previous twelve months, subject to a maximum and minimum. Where disablement is partial, the pension will be proportionately reduced. In case of death resulting from employment injury, the pension will be payable to the widow or widows, minor sons and minor and unmarried daughters, or in case there are no widow and legitimate children, to other dependants of the deceased workman. The workman will also be entitled to medical care and treatment.

6. Medical care and treatment to insured workmen will be provided by Provincial Governments at such hospitals, dispensaries and other institutions as may be prescribed for the purpose. The cost of the medical benefit will be shared between the Provincial Government and the Corporation in such proportions as may be agreed upon between them. In case the average incidence of sickness cash benefit is any

Province is in excess of the all-India average, Provincial Government will also bear such share of the cost of the excess incidence as may be agreed upon between it and the Corporation.

7. Workman's State Insurance Courts will be set up to decide disputes and adjudicate on claims. The cost of the tribunal will be paid by the insurance Fund.

8. ~~Central~~ Government will make rules on matters relating to the administration of the Corporation, such as nomination and election of members of the Board, Standing Committee, Medical Benefit Council, powers and duties of the principal officers, raising of loans, investment of funds, accounts to be maintained by the Corporation, their audit and publication. ~~Provincial~~ Government will make rules on matters relating to the workmen's insurance courts to be set up under the Act, establishment of hospitals, dispensaries, medical institutions, etc. and the scale of medical benefit to be provided to insured persons. The Board will make regulations on matters relating to the working of the scheme, *e.g.*, collection of contributions, payment of benefits, returns and other particulars to be submitted by employers in respect of workmen employed by them, the conditions to be observed by insured persons in receipt of benefits, etc.

9. The Bill makes detailed provisions in regard to the above matters. As the clauses are self-explanatory, Notes on Clauses have not been appended.

NEW DELHI; JAGJIVAN RAM.

The 17th October, 1946.

The Dewan has ordered that the Bill may be considered at a Council meeting.

The ~~Govt of India have~~ Indian Dominion Legislature recently passed a Bill to provide for certain benefits to employees in case of sickness, maternity and employment injury. The Hon'ble Minister for Law & Labour was pleased to direct that a similar measure should be drafted for being enacted in Mysore. A Bill called the Mysore Employees State Insurance Bill has accordingly been prepared ~~and it is proposed to lie~~ on the lines of the Indian ~~enactment~~ Bill and it is proposed to place it before the ensuing session of the Mysore Representative Assembly.

~~The administration of the scheme is proposed to be entrusted to a Corp~~

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT

BILL

to provide for certain benefits to workmen employed in or in connection with work of factories in case of sickness, maternity and accident and to make provision for certain other matters in relation thereto; and Annexure.

The Governor-General has been pleased to give the previous sanction required by the proviso to sub-section (2) of Section 126 of the Government of India Act, to the introduction in the Legislative Assembly of this Bill.

M. N. KAUL,
Secretary of the Legislative Assembly.

(The Honourable Shri Jagjivan Ram)

Statement of Principles

The Indian Dominion Legislative Assembly passed a Bill to provide for certain benefits to employees ~~workmen employed in connection with work of factories~~ in case of sickness, maternity & employment injury. It is considered necessary that labourers in Mysore should ~~also~~ be entitled to similar benefits. The present Bill closely follows the Bill passed by the Dominion Legislature.

GIPD—VS142LAD—10-11-47—1,000.

Should any reference become necessary the production of this receipt will enable the telegram to be traced by the office of origin within seven days of the date of its dispatch—thereafter *Complaints* respecting this telegram and applications for *Refund* involving complaints against the Service should be made to the Postmaster-General of the Circle concerned, within two months from the date of the telegram. Applications for refund *which do not involve complaints against the Service* should be made to the Offices-in-Charge, Telegraph Check Office, Calcutta.

ADDITIONAL SPACE FOR STAMPS.

The *ACCURACY* of telegrams is not guaranteed; the Sender and Receiver must accept *ALL RISKS* arising from non delivery errors or delays. The receipt granted for the telegram should be enclosed with any reference regarding complaints or refund. In addresses consisting of a name prefixed to a Registered or Abbreviated address, or when a telegram is addressed to one person at the house of another whose name is also given the words "Care of" or the symbol "C/o" should be inserted after the name of the Addressee. There is always risk of a telegram not being delivered if a full and definite address is not given, in the first instance.

NOT TO BE TELEGRAPHED. { *Signature and Address of Sender* } [signature] Legal Remembrancer and Secretary to Government Law Department, Bangalore.

MGIPC—S3—1437(Tel)MFP(PD)—(5150/P-14)—28-3-46—50,00,000. [M-26-18/43]

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Class Amount No Date.

Rs.

Office of Origin

RECEIPT

FOR INLAND TELEGRAM

(*See* Instructions on reverse.)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

A

Class Amount No. Date.

Rs.

Office of Origin

Code Service Instructions

Inland Telegram

H. M.

Sent at

To

By

Words.	
Charge.	
Rs.	A.

Space for Postage Stamps

(*Space for additional postage stamps on reverse.*)

(If National Cash Register Machine is in use, the booking clerk should sign here.)

(*Nothing is to be written by the sender above this line.*)

If this telegram is to be classed EXPRESS, write the class here. EXPRESS.

If this telegram is on State business, the word STATE should be written in this space.

Special Instructions.
(*See Clause 375, Post and Telegraph Guide.*)

TO
Name SECRETARY LEGAL DEPARTMENT
Address GOVERNMENT OF INDIA
Telegraph Office NEW DELHI

REQUEST YOU	TO BE SO	GOOD AS TO	IMMEDIATELY
FORWARD	IMMEDIATELY	COPY OF	WORKERS
INSURANCE	BILL IF	READY	

NOTE :—The name of the sender, if required to be telegraphed, should be written at the end of the text in the space provided. The sender should sign and give his address in the space provided on the reverse of this form.

FROM LAW SECRETARY GOVERNMENT OF MYSORE

(To be telegraphed.)

SUBJECT ...

Diary No. of letter replied to ...

General and Revenue Secretariat

( )

the 194 .

Date of issue 6.2.48

Signed by G. S. V. Iyer

List of enclosures ...

Copied by ...

Examined by ...

Section

File No.

Serial No.

No. R.L. 1656
6/2/48

To.

The Secretary to the Govt. of India, Legislative Assembly Department, New Delhi.

The Workmen's State Insurance Bill.

Sir,

I am directed to ~~request~~ acknowledge with thanks the receipt of the Workmen's State Insurance Bill, 1946, forwarded with your letter No. 2262/47A, dated the 17th December 1947, and to request you, if there is no objection, kindly to forward two copies of the report of the Select Committee along with the Bill as modified by them. I am also to

request that as soon as the Bill is passed by the Indian Legislature, two copies of the Bill as passed by them may kindly be sent for the use of this Govt.

I have etc.,

[signature] 5/2/48

for Secy. to Govt,
Law Department.

[initials]
4.2.48

The disablement or dependants' benefits calculated as aforesaid shall be called the full **rate.**

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows :—

(i) to the insured person—

(*a*) for temporary disblement during the period of such disablement at the full **rate**;

(*b*) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1928 (XIV of 1928), for life;

(*c*) for permanent total disablement at the full rate for life;

(*d*) in cases of disablement not covered by clauses (*a*), (*b*) and (*c*) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows :—

(*a*) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows;

(*b*) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age;

(*c*) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier;

Provided, that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation:

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependants' benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), shall be payable as follows :—

(*a*) to a parent or grand parent, for life;

(*b*) to any other male dependant, until he attains fifteen years of age;

(*c*) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

(Leg) pm-(188) 1363/RL

No.422/48-A.

Constituent Assembly of India (Legislative).

.....

From

N.C.Nandi, Esq.,
Assistant Secretary.

To

The Legal Remembrancer & Secretary to the Government of H.H. the Maharaja of Mysor, Law Department, Bangalore.

New Delhi, the 21st February, 1948.

Subject:- THE WORKMEN'S STATE INSURANCE BILL, 1946.

....

LEGISLATION BRANCH
No........
Date........

Mr. T.V.

Sir,

With reference to your letter No.RL/1656, dated the 6th February, 1948, on the subject noted above, I am directed to forward herewith two copies of the Report of the Select Committee on the Workmen's State Insurance Bill, 1946, together with the Bill as reported by the Select Committee and to state that two copies of the Bill, as passed, will be sent to you as soon as the Bill is passed by the Assembly.

I have the honour to be,
Sir,
Your obedient servant,

N C Nandi

'BNB'

Assistant Secretary.

No.D.422/48-A.
GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY DEPARTMENT.

No. 2066/ ... Date ...

From

N.C.Nandi, Esq.,
Assistant Secretary to the Government of India.

Mr. T.V. [illegible]

The Legal Remembrancer and Secretary to the Government of His Highness the Maharaja of Mysore, Law Department,
BANGALORE.

SECRETARY, LAW DEPARTMENT
26 APR 1948
GOVT. OF MYSORE

New Delhi, the 22nd April, 1948.

Subject :- The Employees' State Insurance Bill.

Sir,

In continuation of this Department letter No.D.422/48-A, dated the 21st February, 1948, on the subject noted above, I am directed to forward herewith two copies of the Employees' State Insurance Bill, as passed by the Assembly.

I have the honour to be,
Sir,
Your obedient servant,

N. C. Nandi

Assistant Secretary to the Government of India.

DN

[AS PASSED BY THE DOMINION LEGISLATURE]

A

BILL

to provide for certain benefits to employeess in case of sickness, maternity and 'employment injury' and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application.—(*1*) This Act may be led the Employees' State Insurance Act, 1948.

(*2*) It extends to all the Provinces of India.

(*3*) It shall come into force on such date or dates as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different Provinces.

(*4*) It shall apply, in the first instance, to all factories (including factories belonging to the Crown) other than seasonal factories.

(*5*) The appropriate Government may, in consultation with the Corporation and with the approval of the Central Government, after giving six months' notice of its intention of so doing by notification in the official Gazette, extend the provisions of this Act or any of them. to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "appropriate Government" means, in respect of establishments under the control of the Central Government or a federal railway or a major port or a mine or oilfield, the Central Government, and in all other cases, the Provincial Government;

(*2*) "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in the regulations;

(*3*) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(*4*) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act;

(*5*) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period, as may be specified in the regulations;

(*6*) "Corporation" means the Employees' State Insurance Corporation set up under this Act;

(7) "duly appointed" means appointed in accordance with the provisions of this Act or with the rules or regulations made thereunder;

(8) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1923 (VIII of 1923), if he were a workman within the meaning of the said Act;

(9) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(i) who is directly employed by the principal employer on any work of, or incidental or preliminary to, or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere; or

(ii) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment; or

(iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

it does not include—

(a) any member of His Majesty's naval, military or air forces; or

(b) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month;

(10) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution;

(11) "family" means the spouse and minor legitimate and adopted children dependent upon the insured person and where the insured person is a male, his dependent parents;

(12) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923);

"seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Factories Act, 1934 (XXV of 1934);

(13) "immediate employer", in relation to employees employed by or through him, means a person who has undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work

which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(*14*) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(*15*) "occupier" of the factory shall have the meaning assigned to it in the Factories Act, 1934 (XXV of 1934);

(*16*) "prescribed" means prescribed by rules made under this Act;

(*17*) "principal employer" means—

(*i*) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (*1*) of section 9 of the Factories Act, 1934 (XXV of 1934), the person so named;

(*ii*) in any establishment under the control of any department of any Government in India, the authority appointed by such Government in this behalf or where no authority is so appointed, the head of the Department;

(*iii*) in any other establishment, any person responsible for the supervision and control of the establishment;

(*18*) "regulation" means a regulation made by the Corporation;

(*19*) "Schedule" means a Schedule to this Act;

(*20*) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(*21*) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(*22*) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(*a*) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

(*b*) any travelling allowance or the value of any travelling concession;

(*c*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*d*) any gratuity payable on discharge;

(*23*) "week" means a period of seven days commencing at midnight on Saturday night;

(*24*) the expressions "dependant", "managing agent", "occupational disease", "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the meanings assigned to them in the Workmen's Compensation Act, 1923 (VIII of 1923).

CHAPTER II.

CORPORATION, STANDING COMMITTEE AND MEDICAL BENEFIT COUNCIL.

3. Establishment of Employees' State Insurance Corporation.—(*1*) With effect from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Employees' State Insurance Corporation.

(*2*) The Corporation shall be a body corporate by the name of Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of Corporation.—The Corporation shall consist of the following members, namely:—

(*a*) the Minister for Labour in the Central Government, *ex-officio*, as Chairman;

(*b*) the Minister for Health in the Central Government, *ex-officio*, as Vice-Chairman;

(*c*) not more than five persons to be nominated by the Central Government of whom at least three shall be officials of the Central Government;

(*d*) one person each representing each of the Governor's Provinces to be nominated by the Provincial Government concerned;

(*e*) one person to be nominated by the Central Government to represent the Chief Commissioners' Provinces;

(*f*) five persons representing employers to be nominated by the Central Government in consultation with such organisations of employers as may be recognised for the purpose by the Central Government;

(*g*) five persons representing employees to be nominated by the Central Government in consultation with such organisations of employees as may be recognised for the purpose by the Central Government;

(*h*) two persons representing the medical profession to be nominated by the Central Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Central Government; and

(*i*) two persons to be elected by the Central Legislature.

5. Term of office of members of the Corporation.—(*1*) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than the *ex-officio* members and members referred to in clauses (*c*), (*d*) and (*e*) of section 4, shall be four years commencing from the date on which their nomination or election is notified:

Provided that a member of the Corporation shall, notwithstanding the expiry of the said period of four years, continue to hold office until the nomination or election of his successor is notified.

(*2*) The members of the Corporation referred to in clauses (*c*), (*d*) and (*e*) of section 4 shall hold office during the pleasure of the Government nominating them.

6. Eligibility for renomination or re-election.—An outgoing member of the Corporation, the Standing Committee, or the Medical Benefit Council shall be eligible for renomination or re-election as the case may be.

7. Authentication of orders, decisions, etc.—All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officer of the Corporation as may be authorised by it.

8. Constitution of Standing Committee.—A Standing Committee of the Corporation shall be constituted from among its members, consisting of—

(*a*) a Chairman, nominated by the Central Government;

(*b*) three members of the Corporation, being officials of the Central Government, nominated by that Government;

(*c*) nine members elected by the Corporation as follows:—

(*i*) three members from among the members of the Corporation nominated by the Provincial Governments;

(*ii*) two members from among the members of the Corporation representing employers;

(*iii*) two members from among the members of the Corporation representing employees;

(*iv*) one member from among the members of the Corporation representing the medical profession; and

(*v*) one member from among the members of the Corporation elected by the Central Legislature.

9. Term of office of members of Standing Committee.—(*1*) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (*a*) or clause (*b*) of section 8, shall be two years from the date on which his election is notified:

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified:

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(*2*) A member of the Standing Committee referred to in clause (*a*) or clause (*b*) of section 8 shall hold office during the pleasure of the Central Government.

10. Medical Benefit Council.—(*1*) The Central Government shall constitute a Medical Benefit Council consisting of—

(*a*) the Director General, Health Services, *ex-officio*, as Chairman;

(*b*) a Deputy Director General, Health Services, to be nominated by the Central Government;

(*c*) the Medical Commissioner of the Corporation, *ex-officio*;

(*d*) one member each representing each of the Governor's Provinces to be nominated by the Provincial Government concerned;

(*e*) three members representing employers to be nominated by the Central Government in consultation with such organisations of employers as may be recognised for the purpose by the Central Government;

(*f*) three members representing employees to be nominated by the Central Government in consultation with such organisations of employees as may be recognised for the purpose by the Central Government; and

(*g*) three members, of whom not less than one shall be a woman, representing the medical profession, to be nominated by the Central Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Central Government.

(2) Save as otherwise expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (*a*) to (*d*) of sub-section (*1*), shall be four years from the date on which his nomination is notified.

(3) A member of the Medical Benefit Council referred to in clauses (*b*) and (*d*) of sub-section (*1*) shall hold office during the pleasure of the Government nominating him.

11. Resignation of membership.—A member of the Corporation, the Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Central Government and his seat shall fall vacant on the acceptance of the resignation by that Government.

12. Cessation of membership.—A member of the Corporation, the Standing Committee, or the Medical Benefit Council shall cease to be a member of that body if he fails to attend three consecutive meetings thereof:

Provided that the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Central Government in this behalf, restore him to membership.

13. Disqualification.—A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council—

(*a*) if he is declared to be of unsound mind by a competent Court; or

(*b*) if he is an undischarged insolvent; or

(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a shareholder (not being a Director) of a company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude.

14. Filling of vacancies.—(*1*) Vacancies in the office of nominated or elected members of the Corporation, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(*2*) A member of the Corporation, the Standing Committee or the Medical Benefit Council nominated or elected to fill a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

15. Fees and allowances.—Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may from time to time be prescribed by the Central Government.

16. Principal Officers.—(*1*) The Central Government may, in the case of the first appointments itself and in the case of subsequent appointments, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely:—

(*a*) a Director General of Employees' State Insurance;

(*b*) an Insurance Commissioner:

(*c*) a Medical Commissioner;

(*d*) a Chief Accounts Officer; and

(*e*) an Actuary.

(*2*) The Director General shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Central Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for reappointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Central Government.

(6) A person shall be disqualified from being appointed as or for being a Principal Officer if he is subject to any of the disqualifications specified in section 13.

(7) The Central Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. Staff.—(1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post with a maximum monthly salary of five hundred rupees and above.

(2) The Corporation shall, with the approval of the Central Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of five hundred rupees and above shall be made in consultation with the Federal Public Service Commission:

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

18. Powers of the Standing Committee.—(1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of insured persons.—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Central Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council.—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

21. Supersession of the Corporation and Standing Committee.—(1) If in the opinion of the Central Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, that Government may, by notification in the official Gazette, supersede the Corporation, or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee:

Provided that before issuing a notification under this sub-section the Central Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded, a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Central Government may—

(a) immediately nominate or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8;

(b) in its discretion, appoint such agency, for such period as it may think fit, to exercise the powers and perform the functions of the Corporation and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The Central Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Central Legislature at the earliest opportunity and in any case not later than three months from the date of the notification superseding the Corporation or the Standing Committee, as the case may be.

22. Duties of Medical Benefit Council.—The Medical Benefit Council shall—

(a) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters;

(b) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance; and

(c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

23. Duties of Principal Officers.—The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

24. Acts of Corporation, etc., not invalid by reason of defect in constitution, etc.—No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical Benefit Council.

Council shall be deemed to be invalid by reason of any defect in the constitution of

25. Regional Boards, Local Committees, Regional and Local Medical Benefit Councils.—The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions, as may be provided by the regulations.

CHAPTER III.

FINANCE AND AUDIT

26. Employees' State Insurance Fund.—(*1*) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a fund called the Employees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(*2*) The Corporation may accept grants, donations and gifts from the Central or any Provincial Government, Indian State, local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(*3*) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into the Reserve Bank of India or such other bank as may be approved by the Central Government, to an account styled the account of the Employees' State Insurance Fund.

(*4*) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

27. Grant by the Central Government.—The Central Government shall, every year during the first five years, make a grant to the Corporation of a sum equivalent to two-thirds of the administrative expenses of the Corporation not including therein the cost of any benefits provided by or under this Act.

28. Purposes for which the Fund may be expended.—Subject to the provisions of this Act and of any rules made by the Central Government in that behalf, the Employees' State Insurance Fund shall be expended only for the following purposes, namely:—

(*i*) payment of benefits and provision of medical treatment and attendance to insured persons and, where the medical benefit is extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying the charges and costs in connection therewith;

(*ii*) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils;

(*iii*) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act;

(*iv*) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons and, where the medical benefit is extended to their families, their families;

(*v*) payment of contributions to any Provincial Government, Indian State, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit is extended to their families, their families including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation;

(vi) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(vii) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act;

(viii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf;

(ix) payment of sums under any decree, order or award of any Court or Tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(x) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(xi) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and

(xii) such other purposes as may be authorised by the Corporation with the previous approval of the Central Government.

29. Holding of property, etc.—(1) The Corporation may, subject to such conditions as may be prescribed by the Central Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Central Government, the Corporation may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time re-invest or realise such investments.

(3) The Corporation may, with the previous sanction of the Central Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff or any class of them, such provident or other benefit fund as it may think fit.

30. Vesting of the property in the Corporation.—All property acquired before the establishment of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

31. Expenditure by Central Government to be treated as a loan.—All expenditure incurred by the Central Government for and in connection with the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Central Government to the Corporation and such loan shall be adjusted against grants from the Central Government to the Corporation.

32. Budget estimates.—The Corporation shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Central Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Central Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

33. Accounts.—The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Central Government.

34. Audit.—(*1*) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Central Government.

(*2*) The auditors shall at all reasonable times have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(*3*) The auditors shall forward to the Central Government a copy of their report together with an audited copy of the accounts of the Corporation.

(*4*) The cost of the audit as determined by the Central Government shall be paid out of the funds of the Corporation.

35. Annual report.—The Corporation shall submit to the Central Government an annual report of its work and activities.

36. Budget, audited accounts and the annual report to be placed before the Central Legislature.—The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the Central Legislature and published in the official Gazette.

37. Valuation of assets and liabilities.—The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Central Government:

Provided that it shall be open to the Central Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV.

CONTRIBUTIONS.

38. All employees to be insured.—Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

39. Contributions.—(*1*) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

(*2*) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf.

(*3*) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(*4*) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in the regulations.

40. Principal employer to pay contributions in the first instance.—(*1*) The principal employer shall pay in respect of every employee, whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor the immediate employer shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) The Principal employer shall bear the expenses of remitting the contributions to the Corporation.

41. Recovery of contribution from immediate employer.—(1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in the proviso to sub-section (2) of section 40.

Explanation.—For the purposes of sections 40 and 41, wages shall be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

42. General provisions as to payment of contributions.—(1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee.

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed.

(3) Where wages are payable to an employee for a portion of the week, the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution.

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), contribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

43. Method of payment of contribution.—Subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act and without prejudice to the generality of the foregoing power such regulations may provide for—

(*a*) the manner and time of payment of contributions;

(*b*) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed;

(*c*) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate: and

(*d*) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

44. Returns by employers.—Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in regulations made in this behalf.

45. Inspectors, their functions and duties.—(*1*) The Corporation may appoint such persons as Inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(*2*) Any Inspector appointed by the Corporation under sub-section (*1*) (hereinafter referred to as Inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with—

(*a*) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(*b*) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(*c*) examine, with respect to any matter relevant to the purposes aforesaid, the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to be or to have been an employee.

(*3*) An Inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS.

46. Benefits.—(*1*) Subject to the provisions of this Act, the insured persons or, as the case may be, their dependants shall be entitled to the following benefits, namely:—

(*a*) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit);

(*b*) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit);

(*c*) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit);

(*d*) periodical payments to such dependants of an insured person who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(*e*) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(*2*) The Corporation may, at the request of the appropriate Government, and subject to such conditions as may be laid down in the regulations, extend the medical benefits to the family of an insured person.

47. When person eligible for sickness benefit.—A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than two-thirds of the number of weeks during which he shall be deemed to have been available for employment within the meaning of section 48, subject to a minimum of twelve contributions:

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

48. When person deemed available for employment.—A person shall always be deemed to have been available for employment in any week, except when during the whole of such week,—

(*a*) he was unable to work on account of sickness which had been duly certified, whether entitling him to receive sickness benefit or not, or

(*b*) he was qualified to receive disablement benefit for temporary disablement, or

(*c*) in the case of an insured woman, she was entitled to the maternity benefit provided in section 50 or she would have been entitled to such benefit if she had fulfilled all other conditions entitling her thereto.

49. Sickness benefit.—Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance with section 47 shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness:

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid:

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of days for which he has already received the benefit makes up a total of fifty-six days during any continuous period of three hundred and sixty-five days.

50. Maternity benefit.—(*1*) An insured woman shall be qualified to claim maternity benefit for a confinement occurring in a benefit period if during the corresponding contribution period, weekly contributions in respect of her were payable for not less than two-thirds of the number of weeks during which she shall be deemed to have been available for employment within the meaning of section 48, subject to a minimum of twelve contributions:

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or in which notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(*2*) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (*1*) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

51. Disablement benefit.—(*1*) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable—

(*a*) to a person who sustains temporary disablement, during the period of such disablement;

(*b*) to a person who sustains permanent partial disablement, during his life;

(*c*) to a person who sustains permanent total disablement, during his life; and

(*d*) to a person, in all cases of disablement not falling under sub-clauses (*a*), (*b*) or (*c*) of this sub-section, as may be provided in the regulations.

(*2*) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

52. Dependants' benefit.—Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependants' benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule.

53. Disablement and dependants' benefits.—Where an insured person is or his dependants are entitled to receive or recover, whether from the employer of the insured person or from any other person any compensation or damages under the Workmen's Compensation Act, 1923 (VIII of 1923), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely:—

(*i*) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act [but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1923 (VIII of 1923)] from the Corporation and not from the employer or other person.

(*ii*) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(*iii*) In case the insured person does not leave him surviving any widow or children as mentioned in clause (*ii*) or in the case of an insured woman if she does not leave her surviving any children as mentioned in clause (*ii*), dependant's benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923).

(*iv*) The amount of dependants' benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the insured person as benefit on permanent total disablement.

(*v*) Save as modified by this Act, the obligations and liabilities imposed on an employer by the Workmen's Compensation Act, 1923 (VIII of 1923), shall continue to apply to him.

54. Medical examination.—All medical examinations and treatment referred to in the Workmen's Compensation Act, 1923 (VIII of 1923), shall for the purposes of this Act, be carried out by duly appointed medical practitioners.

55. Review of benefits.—(*1*) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923), on the application of—

(*a*) an Insurance Officer of the Corporation, or

(*b*) the person receiving the benefit,

and such application shall be accompanied by a certificate of a duly appointed medical officer:

Provided that such application may be made without such certificate in such circumstances as may be specified in the regulations made in this behalf.

(*2*) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

56. Medical benefit.—(*1*) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.

(*2*) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution.

(*3*) A person shall be entitled to medical benefit during any week for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or, as provided under the regulations, is in receipt of disablement benefit:

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations.

57. Scale of medical benefit.—(*1*) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and on such scale as may be provided by the Provincial Government or by the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(*2*) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by the regulations.

58. Provision of medical treatment by Provincial Government.—(*1*) The Provincial Government shall provide for insured persons and (where such benefit is extended to their families) their families in the Province, reasonable medical, surgical and obstetric treatment:

Provided that the Provincial Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(*2*) Where the incidence of sickness benefit payment to insured persons in any province is found to exceed the all-India average, the amount of such excess shall be shared between the Corporation and the Provincial Government in such proportion as may be fixed by agreement between them:

Provided that the Corporation may in any case waive the recovery of the whole or any part of the share which is to be borne by the Provincial Government.

(*3*) The Corporation may enter into an agreement with a Provincial Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the Corporation and the Provincial Government.

(*4*) In default of agreement between the Corporation and any Provincial Government as aforesaid the nature and extent of the medical treatment to be provided by the Provincial Government and the proportion in which the cost thereof and of the excess in the incidence of sickness benefit shall be shared between the Corporation and that Government, shall be determined by an arbitrator (who shall be or shall have been a Judge of the High Court of a Province) appointed by the Chief Justice of India and the award of the arbitrator shall be binding on the Corporation and the Provincial Government.

59. Establishment and maintenance of hospitals, etc., by Corporation.—(*1*) The Corporation may, with the approval of the Provincial Government, establish and maintain in a Province such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(*2*) The Corporation may enter into agreement with any Indian State, local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL.

60. Benefit not assignable or attachable.—(*1*) The right to receive any payment of any benefit under this Act shall not be transferable or assignable.

(*2*) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. Bar of benefits under other enactments.—When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

62. Persons not to commute cash benefits.—Save as may be provided in the regulations no person shall be entitled to commute for a lump sum any periodical payment admissible under this Act.

63. Persons not entitled to receive benefits in certain cases.—No person shall be entitled to sickness benefit or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages.

64. Recipients of sickness or disablement benefit to observe conditions.—A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)—

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(*c*) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and

(*d*) shall allow himself to be examined by any duly appointed medical officer or sick visitor or other person authorised by the Corporation in this behalf.

65. Benefits not to be combined.—(*1*) An insured person shall not be entitled to receive for the same period—

(*a*) both sickness benefit and maternity benefit; or

(*b*) both sickness benefit and disablement benefit for temporary disablement; or

(*c*) both maternity benefit and disablement benefit for temporary disablement.

(*2*) Where a person is entitled to more than one of the benefits mentioned in sub-section (*1*), he shall be entitled to choose which benefit he shall receive.

66. Corporation's right to recover damages from employer in certain cases.—(*1*) Where any employment injury is sustained by an insured person as an employee under this Act by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or establishment or by reason of any wrongful act of the employer or his agent, the Corporation shall notwithstanding the fact that the employer has paid the weekly contributions due under this Act in respect of such insured person be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1923 (VIII of 1923), the actuarial present value of the periodical payments which the Corporation is liable to make under this Act.

(*2*) For the purposes of this Act, the actuarial present value of the periodical payments shall be determined in such manner as may be specified in the regulations.

67. Corporation's right to be indemnified in certain cases.—Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability in some person other than the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable:

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the employee sustaining the employment injury as an employee under this Act, except in cases covered by section 66.

68. Corporation's rights where a principal employer fails or neglects to pay any contribution.—(*1*) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Corporation shall be entitled to recover from the principal employer either—

(*i*) the difference between the amount of benefit which is paid to the said person and the amount of the benefit which would be payable on the basis of the contributions which should have been paid by the employer, or

(*ii*) twice the amount of the contribution which the employer failed or neglected to pay,

whichever is greater.

(*2*) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

69. Liability of owner or occupier of factories, etc., for excessive sickness benefit.—(*1*) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reason of—

(*i*) insanitary working conditions in a factory or establishment or the neglect of the owner or occupier of the factory or establishment to observe any health regulations enjoined on him by or under any enactment, or

(*ii*) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary conditions are attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment,

the Corporation may send to the owner or occupier of the factory or establishment or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the appropriate Government.

(*2*) If the appropriate Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter.

(*3*) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or establishment or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(*4*) A determination under sub-section (*3*) may be enforced as if it were a decree for payment of money passed in a suit by a Civil Court.

(*5*) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

70. Repayment of benefit improperly received.—(1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

71. Benefit payable up to and including day of death.—If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

72. Employer not to reduce wages, etc.—No employer by reason only of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or except as provided by the regulations, discontinue or reduce benefits payable to him under the conditions of his service which are similar to the benefits conferred by this Act.

73. Employer not to dismiss or punish employee during period of sickness, etc.—(1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations to arise out of the pregnancy or confinement rendering the employee unfit for work.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

CHAPTER VI.

Adjudication of Disputes and Claims.

74. Constitution of Employees' Insurance Court.—(1) The Provincial Government shall, by notification in the official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification.

(2) The Court shall consist of such number of Judges as the Provincial Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a Judge of the Employees' Insurance Court.

(4) The Provincial Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(5) Where more than one Court has been appointed for the same local area, the Provincial Government may by general or special order regulate the distribution of business between them.

75. Matters to be decided by Employees' Insurance Court.—(1) If any question or dispute arises as to—

(*a*) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(*b*) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(*c*) the rate of contribution payable by a principal employer in respect of any employee, or

(*d*) the person who is or was the principal employer in respect of any employee, or

(*e*) the right of any person to any benefit and as to the amount and duration thereof, or

(*f*) the actuarial present value of the periodical payments referred to in section 66, or

(*g*) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act,

such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(*2*) The following claims shall be decided by the Employees' Insurance Court, namely:—

(*a*) claim for the recovery of contributions from the principal employer;

(*b*) claim by a principal employer to recover contributions from any immediate employer;

(*c*) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(*d*) claim against a principal employer under section 68;

(*e*) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(*f*) any claim for the recovery of any benefit admissible under this Act.

(*3*) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

76. Institution of proceedings, etc.—(*1*) Subject to the provisions of this Act and any rules made by the Provincial Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(*2*) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same Province, it may, subject to any rules made by the Provincial Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(*3*) The Provincial Government may transfer any matter pending before any Employees' Insurance Court in the Province to any such Court in another Province with the consent of the Provincial Government of that Province.

(*4*) The Court to which any matter is transferred under sub-section (*2*) or sub-section (*3*) shall continue the proceedings as if they had been originally instituted in it.

77. Commencement of proceedings.—(*1*) The proceedings before an Employees' Insurance Court shall be commenced by application.

(*2*) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Provincial Government in consultation with the Corporation.

78. Powers of Employees' Insurance Court.—(*1*) The Employees' Insurance Court shall have all the powers of a Civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence and such Court shall be deemed to be a Civil Court within the meaning of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898).

(*2*) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the Provincial Government.

(*3*) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the Provincial Government, be in the discretion of the Court.

(*4*) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a Civil Court.

79. Appearance by legal practitioners, etc.—Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorised in writing by such person or with the permission of the Court, by any other person so authorised.

80. Benefit not admissible unless claimed in time.—An Employees' Insurance Court shall not direct the payment of any benefit to a person unless he has made a claim for such benefit in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable excuse for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefit as if the claim had been made in time.

81. Reference to High Court.—An Employees' Insurance Court may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.

82. Appeal.—(*1*) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(*2*) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a substantial question of law.

(*3*) The period of limitation for an appeal under this section shall be sixty days.

(*4*) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908 (XL of 1908), shall apply to appeals under this section.

83. Stay of payment pending appeal.—Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII.

PENALTIES.

84. Punishment for false statement.—Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both.

85. Punishment for failure to pay contributions, etc.—If any person—

(*a*) fails to pay any contribution which under this Act he is liable to pay, or

(*b*) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(*c*) in contravention of section 72 reduces the wages or any privileges or benefits admissible to an employee, or

(*d*) in contravention of section 73 or any regulation dismisses, discharges, reduces or otherwise punishes an employee, or

(*e*) fails or refuses to submit any return required by the regulations or makes a false return, or

(*f*) obstructs any Inspector or other official of the Corporation in the discharge of his duties, or

(*g*) is guilty of any contravention of or non-compliance with any of the requirements of this Act or the rules or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

36. Prosecutions.—(*1*) No prosecution under this Act shall be instituted except by or with the previous sanction of the Insurance Commissioner.

(*2*) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

(*3*) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

87. Exemption of a factory or establishment or class of factories or establishments.—The appropriate Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment or class of factories or establishments in any specified area from the operation of this Act for a period not exceeding one year and may from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

88. Exemption of persons or class of persons.—The appropriate Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons employed in any factory or establishment or class of factories or establishments to which this Act applies from the operation of the Act.

89. Corporation to make representation.—No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity has been given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the appropriate Government.

90. Exemption of factories or establishments belonging to Government or any local authority.—The appropriate Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the Crown or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

91. Exemption from one or more provisions of the Act.—The appropriate Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

92. Power of Central Government to give directions.—The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.

93. Corporation officers and servants to be public servants.—All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

94. Contributions, etc., due to Corporation to have priority over other debts.—There shall be deemed to be included among the debts which, under section 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909), or under section 61 of the Provincial Insolvency Act, 1920 (V of 1920), or under section 230 of the Indian Companies Act, 1913 (VII of 1913), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

95. Power of Central Government to make rules.—(*1*) The Central Government may, subject to the condition of previous publication, make rules not inconsistent with this Act for the purpose of giving effect to the provisions thereof.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which nominations and elections of members of the Corporation, the Standing Committee and the Medical Benefit Council shall be made;

(*b*) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year;

(*c*) the records to be kept of the transaction of business by the Corporation, the Standing Committee and the Medical Benefit Council;

(*d*) the powers and duties of the Principal Officers and the conditions of their service;

(*e*) the powers and duties of the Medical Benefit Council;

(*f*) the procedure to be adopted in the execution of contracts;

(g) the acquisition, holding and disposal of property by the Corporation;

(h) the raising and repayment of loans;

(i) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;

(j) the basis on which the periodical valuation of the assets and liabilities of the Corporation shall be made;

(k) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised;

(l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(n) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(o) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation; and

(p) any matter which is required or allowed by this Act to be prescribed by the Central Government.

(3) Rules made under this section shall be published in the official Gazette d thereupon shall have effect as if enacted in this Act.

96. Power of Provincial Government to make rules.—(1) The Provincial Government may, subject to the condition of previous publication, make rules not inconsistent with this Act in regard to all or any of the following matters, namely:—

(a) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges;

(b) the procedure to be followed in proceedings before such Courts and the execution of orders made by such Courts;

(c) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications;

(d) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution;

(e) the scale of medical benefit which shall be provided at any hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;

(*f*) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;

(*g*) the conditions of service of the staff employed at such hospitals, dispensaries and institutions; and

(*h*) any other matter which is required or allowed by this Act to be prescribed by the Provincial Government.

(*2*) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

97. Power of Corporation to make regulations.—(*1*) The Corporation may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*i*) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings;

(*ii*) the matters which shall be referred by the Standing Committee to the Corporation for decision;

(*iii*) the manner in which any contribution payable under this Act shall be assessed and collected;

(*iv*) reckoning of wages for the purpose of fixing the contribution payable under this Act;

(*v*) the certification of sickness and eligibility for any cash benefit;

(*vi*) the method of determining the actuarial present value of periodical payments;

(*vii*) the assessing of the money value of any benefit which is not a cash benefit;

(*viii*) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim;

(*ix*) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;

(*x*) the manner in which and the place and time at which any benefit shall be paid;

(*xi*) the method of calculating the amount of cash benefit payable and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value;

(*xii*) the notice of pregnancy or of confinement and notice and proof of sickness;

(*xiii*) the conditions under which any benefit may be suspended;

(*xiv*) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;

(*xv*) the visiting of sick persons;

(*xvi*) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates;

(*xvii*) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees;

(*xviii*) the circumstances in which and the conditions subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted;

(*xix*) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(*xx*) the duties and powers of Inspectors and other officers and servants of the Corporation;

(*xxi*) the conditions of service of the officers and servants of the Corporation other than the Principal Officers;

(*xxii*) the procedure to be followed in remitting contributions to the Corporation; and

(*xxiii*) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the Gazette of India and thereupon shall have effect as if enacted in this Act.

98. Corporation may undertake duties in the Indian States.—The Corporation may, at the request of the Government of an Indian State and with the previous permission of the Central Government and subject to such conditions as may be imposed by it, undertake to discharge in the Indian State any duty which may be specified in a State law corresponding to this Act.

99. Enhancement of benefits.—At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

SCHEDULE I

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages.

2. The average daily wages shall be:—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*b*) in respect of an employee employed on weekly wages, the amount earned in the week divided by the number of days worked (reckoned in terms of full working days);

(*c*) in respect of an employee employed on monthly wages, the amount earned in the month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days);

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight;

(*g*) in respect of an employee who does not fall under clauses (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by regulations, pay salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE

Group of employees.	Employees' contribution (recoverable from employees)	Employers' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. Employees whose average daily wages are below Re. 1.	Nil	0 7 0	0 7 0
2. Employees whose average daily wages are Re. 1 and above but below Rs. 1 8 0.	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1 8 0 and above but below Rs. 2.	0 4 0	0 8 0	0 12 0

Group of employees	Employees' contribution (recoverable from employees)	Employers' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A. P.
4. Employees whose average daily wages are Rs. 2 and above but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II

(*See* sections 49, 51, 52 and 53)

Sickness Benefit and Disablement and Dependants' Benefits.

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE

Group of employees	Average assumed daily wages
1	2
	Rs. A. P.
1. Employees whose average daily wages are below Re. 1 . .	0 14 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1 8 0.	1 4 0
3. Employees whose average daily wages are Rs. 1 8 0 and above, but below Rs. 2.	1 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2 8 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	3 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	5 0 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7 0 0
8. Employees whose average daily wages are Rs. 8 and above.	10 0 0

2. The daily rate of sickness benefit during any benefit period shall be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was deemed to have been available for employment within the meaning of section 48; provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1/4/- a day for 10 weeks, Rs. 1/12/- a day for 10 weeks and Rs. 2/8/- a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{10 \times 20 + 10 \times 28 + 6 \times 40}{26} = 27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas, rounded to the next higher anna, namely, 14 annas.

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs. 1/4/- for the 12 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{12 \times 20}{(26 - 14)} = 20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was employed as an employee for only 20 weeks (he having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being Rs. 1/12/- for 20 weeks, the average of the daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{20 \times 28}{(26 - 4)} = 25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas, rounded to the next higher anna, namely, 13 annas.

3. Disablement and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day

for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be:—

$$\frac{20 \times 14 + 20 \times 20 + 12 \times 28}{52} = 19\frac{28}{52} \text{ annas}$$

The disablement or dependants' benefit will then be $9\frac{20}{26}$ annas, rounded to the next higher anna, namely, 10 annas a day.

Example 2.—If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be:—

$$\frac{20 \times 14 + 14 \times 20}{34} = 16\frac{16}{34} \text{ annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$ annas, rounded to the next higher anna, namely, 9 annas a day.

The disablement or dependants' benefits calculated as aforesaid shall be called the full rate.

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows:—

(i) to the insured person—

(a) for temporary disablement, during the period of such disablement at the full rate;

(b) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1923 (VIII of 1923), for life;

(c) for permanent total disablement, at the full rate for life;

(d) in case of disablement not covered by clauses (a), (b) and (c) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows:—

(a) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows;

(b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age;

(c) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier:

Provided, that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation:

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependants' benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923), shall be payable as follows:—

(*a*) to a parent or grand parent, for life;

(*b*) to any other male dependant, until he attains fifteen years of age;

(*c*) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

THE CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

A

BILL

to provide certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

(*As passed by the Dominion Legislature*)

GIPD—SI 25 LAD—10-4-48—158.

~~(As amended by the Select Committee)~~

~~(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions).~~

A BILL

to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

Whereas it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. Short title, extent, commencement and application.—(*1*) This Act may be called ~~the~~ Mysore Employees' State Insurance Act, 1948.

(*2*) It extends to ~~all the Provinces of India~~. the whole of Mysore.

(*3*) It shall come into force on such date or dates as the ~~Central~~ Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different provisions of this Act, ~~and for different provinces~~.

(*4*) It shall apply, in the first instance, to all factories (including factories belonging to the ~~Crown~~ Government) other than seasonal factories * * * * *

(*5*) The ~~appropriate~~ Government may, in consultation with the Corporation ~~and with the approval of the Central Government~~, after giving six months' notice of its intention of so doing by notification in the official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

~~(*1*) "appropriate Government" means in respect of establishments under the control of the Central Government or a federal railway or a major port, mine or oilfield, the Central Government, and in all other cases, the Provincial Government;~~

(1) ~~(*2*)~~ "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in regulations;

(2) ~~(*3*)~~ "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead; * * * * *

(3) ~~(*4*)~~ "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount

payable by or on behalf of the employee in accordance with the provisions of this Act;

(5) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period, as may be specified in regulations;

(6) "Corporation" means the Employees' State Insurance Corporation set up under this Act;

(7) "duly appointed" means appointed in accordance with the provisions of this Act or the rules and regulations made thereunder;

(8) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1923 (VIII of 1923), if he were a workman within the meaning of the said Act;

(9) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(*i*) who is directly employed by the principal employer on any work of, or incidental to, or preliminary to or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere;

(*ii*) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment;

(*iii*) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

but does not include—

(*a*) any member of His Majesty's naval, military or air forces; or

(*b*) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month;

(10) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution;

(11) "family" means the spouse and minor legitimate and adopted children dependant upon the insured person;

(12) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Indian Mines Act, 1923 (IV of 1923);

"seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton

jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Factories Act, 1934 (XXV of 1934);

(12) "immediate employer", in relation to employees employed by or through him, means a person who has undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(13) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(14) "occupier" of the factory shall have the meaning assigned to it in the Factories Act, 1934 (XXV of 1934);

(15) "prescribed" means prescribed by rules made under this Act;

(16) "principal employer" means—

(*i*) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (*1*) of section 9 of the Factories Act, 1934 (XXV of 1934), the person so named;

(*ii*) in any establishment under the control of any department of any Government in India, the authority appointed by such Government in this behalf or where no authority is so appointed, the head of the Department;

(*iii*) in any other establishment any person responsible for the supervision and control of the establishment;

(17) "regulation" means a regulation made by the Corporation;

(18) "Schedule" means a Schedule to this Act;

(19) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(20) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(21) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(*a*) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

(*b*) any travelling allowance or the value of any travelling concession;

(c) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(d) any gratuity payable on discharge;

(22) "week" means a period of seven days commencing at midnight on Saturday night;

(23) the expressions "dependant", "managing agent", "occupational disease", "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the meanings assigned to them in the Workmen's Compensation Act, 1923 (~~VIII~~ of 1923).

CHAPTER II

CORPORATION, * * STANDING COMMITTEE AND MEDICAL BENEFIT COUNCIL.

3. Establishment of Employees' State Insurance Corporation.—(1) With effect from such date as the ~~Central~~ Government may, by notification in the official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of Corporation.—The Corporation shall consist of the following members, namely:—

(a) the Minister for Labour in the ~~Central~~ Government, *ex-officio*, as Chairman;

(b) the Minister for Health in the ~~Central~~ Government, *ex-officio*, as Vice-Chairman;

(c) not more than five persons to be nominated by the ~~Central~~ Government of whom at least three shall be officials of the ~~Central~~ Government;

~~(d) one person each representing each of the Governor's Provinces to be nominated by the Provincial Government concerned;~~

~~(e) one person to be nominated by the Central Government to represent the Chief Commissioners' Provinces;~~

(d) ~~(f)~~ five persons representing employers to be nominated by the ~~Central~~ Government in consultation with such organisations of employers as may be recognised for the purpose by the ~~Central~~ Government;

(e) ~~(g)~~ five persons representing employees to be nominated by the ~~Central~~ Government in consultation with such organisations of employees as may be recognised for the purpose by the ~~Central~~ Government;

(f) ~~(h)~~ two persons representing the medical profession to be nominated by the ~~Central~~ Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the ~~Central~~ Government; and

(g) ~~(i)~~ two persons to be elected by the ~~Central~~ Mysore Legislative Council.

5. Term of office of members of the Corporation.—(1) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than the *ex-officio* members and members referred to in clause (c), ~~(d) and (e)~~ of section 4, shall be four years commencing from the date on which their nomination or election is notified:

Provided that a member of the Corporation shall, notwithstanding the expiry of the said period of four years, continue to hold office until the nomination or election of his successor is notified.

(2) The members of the Corporation referred to in clauses (c), ~~(d) and (e)~~ of section 4 shall hold office during the pleasure of the Government ~~nominating them~~.

6. Eligibility for renomination or re-election.—An outgoing member of the Corporation, Standing Committee, or the Medical Benefit Council shall be eligible for renomination or re-election as the case may be.

7. Authentication of orders, decisions, etc.—All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised in this behalf.

8. Constitution of Standing Committee.—A Standing Committee of the Corporation shall be constituted from among its members, consisting of—

(a) a Chairman, nominated by the Central Government;

(b) three members of the Corporation being officials of the ~~Central~~ Government, nominated by ~~that Government~~; it.

(c) ~~nine~~ six members elected by the Corporation as follows:—

~~(i) three members from among the members of the Corporation nominated by Provincial Governments~~;

(i) two members from among the members of the Corporation representing employers;

(ii) ~~(iii)~~ two members from among the members of the Corporation representing employees;

(iii) ~~(iv)~~ one member from among the members of the Corporation representing the medical profession; and

(iv) ~~(v)~~ one member from among the members of the Corporation elected by the ~~Central~~ Legislat~~ure~~ Council.

9. Term of office of members of Standing Committee.—(1) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (a) or clause (b) of section 8, shall be two years from the date on which his election is notified:

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified:

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(2) A member of the Standing Committee referred to in clause (a) or clause (b) of section 8 shall hold office during the pleasure of the ~~Central~~ Government.

10. Medical Benefit Council.—(1) The ~~Central~~ Government shall constitute a Medical Benefit Council consisting of:—

(a) the Director ~~General~~, Health ~~Services~~, *ex-officio*, as Chairman;

(b) ~~a Deputy Director General, Health Services, to be nominated by the Central Government;~~
the Senior Surgeon, ex-officio;

(c) the Medical Commissioner of the Corporation, *ex-officio;*

~~(d) one member each representing each of the Governor's Provinces~~ to ~~be nominated by the Provincial Government concerned~~;

(d) ~~(e)~~ three members representing employers to be nominated by the ~~Central~~ Government in consultation with such organisation of employers as may be recognised for the purpose by the ~~Central~~ Government;

(e) ~~(f)~~ three members representing employees to be nominated by the ~~Central~~ Government in consultation with such organisations of employees as may be recognised for the purpose by the ~~Central~~ Government; and

(f) ~~(g)~~ three members, of whom one shall be a woman, representing the medical profession, to be nominated by the ~~Central~~ Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the ~~Central~~ Government.

(2) Save as expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (a) to (c) of sub-section (1), shall be four years from the date on which his nomination is notified.

~~(3) A member of the Medical Benefit Council referred to in clauses (b) and (d) of sub-section (1) shall hold office during the pleasure of the Government nominating him.~~

11. Filling of vacancies.—(1) Vacancies in the office of nominated or elected members of the Corporation, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(2) A member of the Corporation, the Standing Committee or the Medical Benefit Council nominated or elected in a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

12. Resignation of membership.—A member of the Corporation, Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Central Government and his seat shall fall vacant on the acceptance of the resignation by that Government.

13. Cessation of membership.—A member of the Corporation, Standing Committee, or the Medical Benefit Council shall cease to be a member of that body if he fails to attend three consecutive meetings thereof:

Provided that the Corporation, Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Central Government in this behalf, restore him to membership.

14. Disqualification.—A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council—

(a) if he is declared to be of unsound mind by a competent court;

(b) if he is an undischarged insolvent;

(c) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a shareholder (not being a Director) of a company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment * * * * * unless a period of ten years or such less period as the Govern~~or-General~~ment may allow in any particular case, has elapsed after his release.

15. Fees and allowances.—Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may from time to time be prescribed by the ~~Central~~ Government.

16. Principal Officers.—(*1*) The ~~Central~~ Government may, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely:—

~~(*a*) a Director-General of Employees' State Insurance~~;

(a) ~~(*b*)~~ an ~~Insurance~~ Commissioner of Employees' State Insurance;

(b) ~~(*c*)~~ a Medical Commissioner;

(c) ~~(*d*)~~ a Chief Accounts Officer; and

(d) ~~(*e*)~~ an Actuary.

(*2*) The ~~Director-General~~ Commissioner shall be the Chief Executive Officer of the Corporation.

(*3*) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the ~~Central~~ Government.

(*4*) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for reappointment if he is otherwise qualified.

(*5*) A Principal Officer shall receive such salary and allowances as may be prescribed by the ~~Central~~ Government.

(*6*) A person shall be disqualified from being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 14.

(*7*) The ~~Central~~ Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passesd at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. Staff.—(*1*) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the ~~Central~~ Government shall be obtained for the creation of any post with a maximum monthly salary of five hundred rupees and above.

(*2*) The Corporation shall, with the approval of the ~~Central~~ Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(*3*) Every appointment to posts carrying a maximum monthly pay of five hundred rupees and above shall be made in consultation with the ~~Federal~~ Public Service Commission~~er~~:

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

18. Powers of * * the Standing Committee.—* * * (*1*) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(*2*) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in regulations made in this behalf.

(*3*) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of employees.—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the ~~Central~~ Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council.—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

21. Supersession of the Corporation and Standing Committee.—(*1*) If in the opinion of the ~~Central~~ Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, ~~that Government~~ may, by notification in the official Gazette, supersede the Corporation or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee:

Provided that before issuing a notification under this sub-section the ~~Central~~ Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(*2*) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(*3*) When the * * Standing Committee has been superseded, a new Standing Committee shall be immediately constituted in accordance with section 8.

(*4*) When the Corporation has been superseded, the ~~Central~~ Government may—

(*a*) immediately nominate or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8;

(*b*) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation * * * and such agency shall be competent to exercise all the powers and perform all the functions of the * * * Corporation.

(5) The Central Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the ~~Central~~ Legislature at the earliest opportunity and in any case not later than three months, from the date of the notification superseding the Corporation or the Standing Committee, as the case may be.

22. Duties of Medical Benefit Council.—The Medical Benefit Council shall—

(*a*) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters;

(*b*) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance; and

(*c*) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

23. Duties of Principal Officers.—The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

24. Acts of Corporation, etc., not invalid by informality, etc.—No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical Benefit Council.

25. Regional Boards, Local Committees, Regional and Local ~~Bodies~~ Benefit Councils.—The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions, as may be provided by regulations.

CHAPTER III

Finance and Audit

26. Employees' State Insurance Fund.—(*1*) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Employees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(*2*) The Corporation may accept grants, donations and gifts from the ~~Central or any Provincial~~ Government, ~~Indian State,~~ Local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(*3*) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into the ~~Reserve Bank of India~~ or such ~~other~~ bank as may be approved by the ~~Central~~ Government, to an account styled the account of the Employees' State Insurance Fund.

(*4*) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

~~27.~~ **Grant by the Central Government.**—The Central Government shall, every year during the first five years, make a grant to the Corporation of a sum equivalent to two-thirds of the administrative expenses of the Corporation not including therein the cost of any benefits provided by or under this Act.

27. ~~28.~~ **Purposes for which the Fund may be expended.**—Subject to the provisions of this Act and of any rules made by the ~~Central~~ Government in that behalf, the Employees' State Insurance Fund shall be expended only for the following purposes, namely:—

(i) payment of benefits and provision of medical treatment and attendance to insured persons, and where the medical benefit has been extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying charges and costs in connection therewith;

(ii) payment of fees * and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils;

(iii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act;

(iv) establishment and maintenance of hospitals, dispensaries and other institutions and the provisions of medical and other ancillary services for the benefit of insured persons and, where the medical benefit has been extended to their families, their families;

(v) payment of contributions to ~~any~~ the ~~Provincial~~ Government, ~~Indian State~~ any local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit has been extended to their families, their families including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation;

(vi) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(vii) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act;

(viii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf:

Rule (ix) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(x) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(*xi*) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and

(*xii*) such other purposes as may be authorised by the Corporation with the previous approval of the ~~Central~~ Government.

28. **Holding of property, etc.**—(*1*) The Corporation may, subject to such conditions as may be prescribed by the ~~Central~~ Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is

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29. The Corporation may take loans from the Government for purposes of meeting the administrative expenses of the Corporation and discharge such loans in accordance with such rules as may be prescribed.

31. **Expenditure by ~~Central Government~~**—All expenditure incurred by the ~~Central~~ Government for and in connection with the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the ~~Central~~ Government to the Corporation and such loan shall be ~~adjusted against grants from the Central Government to the Corporation~~. discharged in such manner as may be prescribed.

32. **Budget estimates.**—The Corporation shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the ~~Central~~ Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the ~~Central~~ Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

33. **Accounts.**—The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the ~~Central~~ Government.

34. **Audit.**—(*1*) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Central Government.

(*2*) The auditors shall at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(*3*) The auditors shall forward to the ~~Central~~ Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the ~~Central~~ Government shall be paid out of the funds of the Corporation.

35. Annual report.—The Corporation shall submit to the ~~Central~~ Government an annual report of its work and activities.

36. Budget, audited accounts and the annual report to be placed before the ~~Central~~ Legislature.—The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the ~~Central~~ Legislature and published in the official Gazette.

37. Valuation of assets and liabilities.—The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the ~~Central~~ Government:

Provided that it shall be open to the ~~Central~~ Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV

CONTRIBUTIONS

38. All employees to be insured.—Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

39. Contributions.—(1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

(2) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf.

(3) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(4) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in regulations.

40. Principal employer to pay contributions in first instance.—(1) The principal employer shall pay in respect of every employee, whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, the principal employer shall not be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

41. Recovery from immediate employer of contribution.—(1) A principal employer, who has paid contribution in respect of an employee * employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee * employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in sub-sections (2) and (3) of section 40.

Explanation.—For the purposes of sections 40 and 41, wages should be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

42. General provisions as to payment of contributions.—(1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee.

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed.

* * * * *

(3) Where wages are payable to an employee * * * for a portion of the week, the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution * * *

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), contribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

* * * * *

43. Method of payment of contribution.—Subject to the provisions of this

Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act and without prejudice to the generality of the foregoing power such regulations may provide for—

(a) the manner and time of payment of contributions; * * *

(b) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed;

(c) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate: and

(d) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

44. Returns by employers.—Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in regulations made in this behalf.

45. Inspectors, their functions and duties.—(1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any inspector appointed by the Corporation under sub-section (1)* * * (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with—

(a) require any principal or immediate employer * * * to furnish to him such information as he may consider necessary for the purposes of this Act; or

(b) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine, with respect to any matter relevant to the purposes aforesaid, the principal or immediate employer, his agent or servant, or any person found in such factory, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an employee. * * * *

* * * * *

(3) An inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS

46. Benefits.—(*1*) Subject to the provisions of this Act, the insured persons, or as the case may be, their dependants shall be entitled to the following benefits, namely,—

(*a*) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit);

(*b*) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by regulations (hereinafter referred to as maternity benefit);

(*c*) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by regulations (hereinafter referred to as disablement benefit);

(*d*) periodical payments to such dependants of an insured person who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(*e*) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(*2*) The Corporation may, at the request of the ~~appropriate~~ Government, and subject to such conditions as may be laid down in regulations, extend the medical benefits to the family of an insured person.

47. When person eligible for sickness benefit.—A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions, in respect of him are payable for not less than two-thirds of the number of weeks during which he shall not be deemed to have been not available for employment within the meaning of section 48, subject to a minimum of twelve contributions:

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

48. When person deemed not available for employment.—(*1*) A person shall be deemed to have been not available for employment in any week—

(*a*) if during the whole of such week he is unable to work on account of sickness which has been duly certified, whether he is qualified to receive sickness benefit or not or

(*b*) if during the whole of such week he is qualified to receive disablement benefit for temporary disablement.

(*2*) A woman shall be deemed to have been not available for employment in any week if during the whole of such week she would have been entitled to the maternity benefit provided in section 50 had she fulfilled all other conditions entitling her thereto.

49. Sickness benefit.—Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance with section ~~47~~ shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness: 47

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid:

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of days for which he has already received the benefit makes up a total of fifty-six days during any continuous period of three hundred and sixty-five days.

50. Maternity benefit.—(*1*) An insured woman shall be qualified to claim maternity benefit for a confinement occuring in a benefit period if during the corresponding contribution period, weekly contributions, in respect of her, have been paid for not less than two-thirds of the number of weeks during which she shall not be deemed to have been not available for employment within the meaning of section 48 subject to a minimum of twelve contributions:

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(*2*) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (*1*) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

51. Disablement benefit.—(*1*) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable—

(*a*) to a person who sustains temporary disablement, during the period of such disablement;

(*b*) to a person who sustains permanent partial disablement, during his life;

(*c*) to a person who sustains permanent total disablement, during his life; and

(*d*) to a person, in all cases of disablement not falling under sub-clauses (*a*), (*b*) or (*c*) of this sub-section, as may be provided in regulations.

* * * * * * *

(*2*) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

52. Dependants' benefit.—Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependants' benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule.

53. Disablement and dependants' benefits.—Where an insured person is or his dependants are entitled to receive or recover, whether from the employer of the insured person or from any other person any compensation or damages under the Workmen's Compensation Act, 1923 (VIII of 1923), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely:—

(*i*) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act [but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1923 (VIII of 1923)] from the Corporation and not from the employer or other person.

(*ii*) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(*iii*) In case the insured person does not leave surviving him any widow or children as aforesaid or in the case of an insured * * * woman if she does not leave behind her any children as aforesaid, dependants' benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923).

(*iv*) The amount of dependants' benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the insured person as benefit on permanent total disablement.

(*v*) Save as modified by this Act, the obligations and liabilities imposed on an employer by the Workmen's Compensation Act, 1923 (VIII of 1923), shall continue to apply to him.

54. Medical examination.—All medical examinations and treatment referred to in the Workmen's Compensation Act, 1923 (VIII of 1923), shall for the purposes of this Act, be carried out by duly appointed medical practitioners.

55. Review of benefits.—(*1*) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923), on the application of—

(*a*) an Insurance Officer of the Corporation, or

(*b*) the person receiving the benefit, and such application shall be accompanied by a certificate of a duly appointed medical officer:

Provided that such application may be made without such certificate in such circumstances as may be specified in regulations made in this behalf.

(*2*) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

56. Medical benefit.—(*1*) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit. ****

(*2*) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution.

(*3*) A person shall be entitled to medical benefit during any week for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or, as provided under the regulations, is in receipt of disablement benefit:

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations.

* * * * *

57. Scale of medical benefit.—(*1*) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and of such scale as may be provided by the ~~Provincial~~ Government or by the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(*2*) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement

from the Corporation of any expenses incurred * in respect of any medical treatment, except as may be provided by regulations.

58. Provision of medical treatment by ~~Provincial~~ Government.—(*1*) The ~~Provincial~~ Government shall provide for insured persons and (where such benefit is extended to their families) their families in the ~~Province~~ State, reasonable medical, surgical and obstetric treatment (as out-patient or in-patient as the circumstances of the case may require) at dispensaries, hospitals or other institutions.

Provided that the ~~Provincial~~ Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

~~(*2*) Where the incidence of sickness * benefit payment to insured persons in any province is found to exceed the all-India average, the amount of such excess shall be shared between the Corporation and the Provincial Government in such proportion as may be fixed by agreement between them:~~

~~Provided that the Corporation may in any case waive the recovery of the whole or any part of the share which is to be borne by the Provincial Government.~~

(2) ~~(*3*)~~ The Corporation may enter into an agreement with ~~a Provincial~~ the Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness * benefit to insured persons between the Corporation and the ~~Provincial~~ Government.

(*4*) In default of agreement between the Corporation and ~~any Provincial~~ the Government as aforesaid the nature and extent of the medical treatment to be provided by the Provincial Government and the proportion in which the cost thereof ~~and of the excess in the incidence of sickness * benefit shall be shared between the Corporation and that Government~~, shall be determined by an arbitrator (who shall be or shall have been a Judge of the High Court ~~of~~ a ~~Province~~) appointed by the Chief Justice ~~of India~~ and the award of the arbitrator shall be binding on the Corporation and the ~~Provincial~~ Government.

59. Establishment and maintenance of hospitals, etc., by Corporation.—(*1*) The Corporation may, with the approval of the ~~Provincial~~ Government, establish and maintain ~~in a Province~~ such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(*2*) The Corporation may enter into agreement with any ~~Indian State~~ [Provincial Government in India], local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL

60. Benefit not assignable or attachable.—(*1*) The right to receive any future payment of any benefit under this Act shall not be transferable or assignable.

(*2*) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. Bar of benefits under other enactments.—When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

62. Employees not to commute cash benefits.—Save as may be provided in the regulations an employee shall not be entitled to commute for a lump sum any periodical payment admissible under this Act.

63. Employees not entitled to receive benefits in certain cases.—No person shall be entitled to sickness benefit or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages.

64. Employees to observe conditions.—A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)—

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(*c*) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer medical attendant or such other authority as may be specified in this behalf by regulations; and

(*d*) shall allow himself to be examined by any duly appointed medical officer or sick visitor or other person authorised by the corporation in this behalf.

65. Benefits not to be combined.—(*1*) An insured person shall not be entitled to receive for the same period—

(*a*) both sickness benefit and maternity benefit; or

(*b*) both sickness benefit or disablement benefit for temporary disablement; or

(*c*) both maternity benefit and disablement benefit for temporary disablement.

(*2*) Where a person is entitled to more than one of the benefits mentioned in sub-section (*1*), he shall be entitled to choose which benefit he shall receive.

66. Corporation's right to recover damages from employer in certain cases.—(*1*) Where any employment injury is sustained by an insured person as an employee under this Act by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or establishment or by reason of any wrongful act of the employer or his agent, the Corporation shall be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1923 (VIII of 1923), the actuarial present value of the periodical payments which the Corporation is liable to make under this Act.

(*2*) For the purposes of this Act, the actuarial present value of the periodical payments shall be determined in such manner as may be specified in regulations.

67. Corporation's right to be indemnified in certain cases.—Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability of some person other than the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable:

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the employee sustaining the employment injury as an employee under this Act, except in cases covered by section 66.

68. Corporation's right to recover contribution neglected to be paid by principal employer.—(*1*) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or * entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Corporation shall be entitled to recover from the principal employer either—

(*i*) the difference between the amount of benefit which is paid to the said person and the amount of the benefit which would be payable on the basis of the contributions which should have been paid by the employer; or

(*ii*) twice the amount of the contribution which the employer failed or neglected to pay; whichever is greater.

(*2*) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

69. Liability of owner or occupier of factories, etc., for excessive sickness* benefit.—(*1*) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reason of—

(*i*) insanitary working conditions in a factory or establishment or the neglect of the owner or occupier of the factory to observe any health regulations enjoined on him by or under any enactment, or

(*ii*) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary condition is attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment,

the Corporation may send to the owner or occupier of the factory or establishment or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure * * * incurred by the Corporation as sickness * benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the ~~Provincial~~ Government.

a/ (*2*) If the ~~Provincial~~ Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter.

(*3*) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred

as sickness * benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil court.

(5) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

70. Repayment of benefit improperly received.—(1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

71. Benefit payable up to and including day of death*.—If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

72. Employer not to reduce wages, etc.—No employer by reason merely of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or discontinue or reduce benefits payable to him under the conditions of his service which are similar to the benefits conferred by this Act, except as provided by the regulations.

73. Employer not to dismiss or punish employee during period of sickness, etc.—(1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations to arise out of the pregnancy or confinement rendering the employee unfit for work.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

CHAPTER VI.

ADJUDICATION OF DISPUTES AND CLAIMS.

74. Constitution of Employees' Insurance Court.—(1) The ~~Provincial~~ Government shall, by notification in the official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification.

(2) The Court shall consist of such number of judges as the ~~Provincial~~ Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a judge of the Employees' Insurance Court.

(4) The ~~Provincial~~ Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(5) Where more than one Court has been appointed for the same local area, the ~~Provincial~~ Government may by general or special order regulate the distribution of business between them.

75. Matters to be decided by Employees' Insurance Court.—(1) If any question or dispute arises as to—

(a) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(b) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(c) the rate of contribution payable by a principal employer in respect of any employee, or

(d) the person who is or was the principal employer in respect of any employee, or

(e) the right of any person to any benefit and as to the amount and duration thereof, or

* * * * *

(f) the actuarial present value of the periodical payments referred to in section 66, or

(g) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act,

such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Employees' Insurance Court, namely:—

(a) claim for the recovery of contributions from the principal employer;

(b) claim by a principal employer to recover contributions from any immediate employer;

(c) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(d) claim against a principal employer under section 68;

(e) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(f) any claim for the recovery of any benefit admissible under this Act.

(3) No civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

76. Institution of proceedings, etc.—(1) Subject to the provisions of this Act and any rules made by the ~~Provincial~~ Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees'

Insurance Court in the ~~same Province~~ State, it may, subject to any rules made by the ~~Provincial~~ Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

~~(3) The Provincial Government may transfer any matter pending before any Employees' Insurance Court in the Province to any such Court in another Province with the consent of the Provincial Government of that Province.~~

(3) ~~(4)~~ The Court to which any matter is transferred under sub-section (2) ~~or sub-section (3)~~ shall continue the proceedings as if they had been originally instituted in it.

77. Commencement of proceedings.—(*1*) The proceedings before an Employees' Insurance Court shall be commenced by application.

(*2*) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the ~~Provincial~~ Government in consultation with the Corporation.

78. Powers of Employees' Insurance Court.—(*1*) The Employees' Insurance Court shall have all the powers of a civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence; and such Court shall be deemed to be a civil Court within the meaning of section 195 and Chapter XXXV of the Code of Criminal Procedure, ~~1898~~ 1904 (~~V of 1898~~ II of 1904).

(*2*) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the ~~Provincial~~ Government.

(*3*) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the ~~Provincial~~ Government, be in the discretion of the Court.

(*4*) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil Court.

79. Appearance by legal practitioners, etc.—Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorised in writing by such person or with the permission of the Court, by any other person so authorised.

80. Benefit not admissible unless claimed in time.—An Employees' Insurance Court shall not direct the payment of any benefit to a person unless he has made a claim for such benefit in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable excuse for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefit as if the claim had been made in time.

81. Reference to High Court.—An Employees' Insurance Court may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.

82. Appeal.—(*1*) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be sixty days. * * *

(4) The provisions of sections 5 and 12 of the ~~Indian~~ Mysore Limitation Act, ~~1908~~ 1911 (~~XL of 1908~~ IV of 1911), shall apply to appeals under this section.

83. Stay of payment pending appeal.—Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII.

PENALTIES.

84. Punishment for false statement.—Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both.

85. Punishment for failure to pay contributions, etc.—If any person—

(a) fails to pay any contribution which under this Act he is liable to pay, or

(b) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(c) reduces the wages or any privileges or benefits admissible to an employee in contravention of section 72, or

(d) dismisses, discharges, reduces or otherwise punishes an employee in contravention of section 73 or any regulation, or

(e) fails or refuses to submit any return required by the regulations or makes a false return, or

(f) obstructs any inspector or other official of the Corporation in the discharge of his duties, or

(g) is guilty of any contravention of or non-compliance with any of the requirements of this Act or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

86. Prosecutions.—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the ~~Insurance~~ Commissioner of Employees State Insurance.

(2) No Court inferior to that of ~~a Presidency Magistrate~~ or a Magistrate of the first class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

87. Exemption of a factory or establishment or c.... ... lishments.—The ~~appropriate~~ Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment or class * of factories or establishments in any specified area from the operation of *** this Act for a period not exceeding one year and may * from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

* * * * *

88. Exemption of persons or class of persons.—The appropriate Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons employed in any factory or establishment or class of factories or establishments to which this Act applies from the operation of the Act.

89. Corporation to make representation.—No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity has been given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the ~~appropriate~~ Government.

90. Exemption of factories or establishments belonging to Government or any local authority.—The ~~appropriate~~ Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the ~~Crown~~ Government or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

91. Exemption from one or more provisions of the Act.—The ~~appropriate~~ Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

~~**92. Power of Central Government to give directions.**—The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.~~

92. ~~93.~~ **Corporation officers and servants to be public servants.**—All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

93. ~~94.~~ **Contributions, etc., due to Corporation to have priority over other debts.**—There shall be deemed to be included among the debts which, ~~under section 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909), or~~ under section 61 of the ~~Provincial~~ Mysore Insolvency Act, 1925 (XI of 1925), or under section 230 of the Indian Companies Act, 1938 (XVII of 1938), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

94. ~~95.~~ **Power of ~~Central~~ Government to make rules.**—(1) The ~~Central~~ Government may, subject to the condition of previous publication, make rules not inconsistent with this Act in regard to ~~the incorporation, regulation and winding up of the Corporation.~~ all or any of the following matters, namely:—

~~(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—~~

(a) the manner in which nominations and elections of members of the Corporation, Standing Committee and Medical Benefit Council shall be made;

(b) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year;

(c) the records to be kept of the transaction of business by the Corporation, Standing Committee and the Medical Benefit Council;

(d) the powers and duties of the Principal Officers and the conditions of their service;

(e) the powers and duties of the Medical Benefit Council;

(f) the procedure to be adopted in the execution of contracts;

(g) the acquisition, holding and disposal of property by the Corporation;

(h) the raising and repayment of loans;

(i) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;—

(j) the basis on which the periodical valuation of the assets and liabilities of the Corporation shall be made;

(k) the bank or banks in which the funds of the Corporation * may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised;

(l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(n) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(o) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation; and

(p) any other matter which is required or allowed by this Act to be prescribed by the ~~Central~~ Government.

~~(3) Rules made under this section shall be publised in the official Gazette and thereupon shall have effect as if enacted in this Act.~~

in regard to the incorporation, regulation and winding up of the Corporation

~~96. Power of Provincial Government to make rules.—(1) The Provincial Government may, subject to the condition of previous publication, make rules not inconsistent with this Act in regard to all or any of the following matters, namely:—~~

(i) ~~(a)~~ the constitution of Employees' Insurance Courts, the qulifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges;

(ii) ~~(b)~~ the procedure to be followed in proceedings before such courts and the execution of orders made by such courts;

(iii) ~~(c)~~ the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications;

(iv) ~~(d)~~ the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary of other institution;

(v) ~~(e)~~ the scale of medical benefit which shall be provided at any such hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;

(vi) ~~(f)~~ the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;

(vii) ~~(g)~~ the conditions of service of the staff employed at such hospitals, dispensaries and institutions; and

(viii) ~~(h)~~ any other matter which is required or allowed by this Act to be prescribed by the ~~Provincial~~ Government.

(2) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

95. ~~97~~. **Power of Corporation to make regulations.**—(1) The Corporation may subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings;

(ii) the matters which shall be referred by the Standing Committee to the Corporation for decision;

(iii) the manner in which any contribution payable under this Act shall be assessed and collected;

(iv) reckoning of wages for the purpose of fixing the contribution payable under this Act;

(v) the certification of sickness and eligibility for any cash benefit;

(vi) the method of determining the actuarial present value of periodical payments;

* * * *

(vii) the assessing of the money value of any benefit which is not a cash benefit;

(viii) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim;

(ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;

(x) the manner in which and the place and time at which any benefit shall be paid;

(xi) the method of calculating the amount of cash benefit payable to an employee and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value;

(xii) the notice of pregnancy or of confinement and notice and proof of sickness;

(xiii) the conditions under which any benefit may be suspended;

(xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;

(xv) the visiting of sick persons;

(xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates;

(xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) * * * * which may be imposed on employees;

(xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted;

(xix) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(xx) the duties and powers of inspectors and other officers and servants of the Corporation;

(xxi) the conditions of service of the officers and servants of the Corporation other than the Principal Officers;

(xxii) the procedure to be followed in remitting contributions to the Corporation;

(xxiii) the portion of the expenses of remitting contributions which should be borne by the principal employer; and

(*xxiv*) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the Gazette of India and thereupon shall have effect as if enacted in this Act.

98. Corporation may undertake duties in the Indian States.—The Corporation may, at the request of the Government of an Indian State and with the previous permission of the Central Government and subject to such conditions as may be imposed by it, undertake to discharge in the Indian State any duty which may be specified in a State law corresponding to this Act.

96. ~~99.~~ **Enhancement of benefits.**—At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

SCHEDULE I

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages.

2. The average daily wages shall be:—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the * week divided by the number of days worked (reckoned in terms of full working days);

(*b*) in respect of an employee employed on weekly wages, the amount earned in the * week divided by the number of days worked (reckoned in terms of full working days);

(*c*) in respect of an employee employed on monthly wages, the amount earned in the * month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days);

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the * week divided by the number of days worked (reckoned in terms of full working days);

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight;

(*g*) in respect of an employee who does not fall under clauses (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by regulations, pay salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE I

Group of employees.	Employees' contribution (recoverable from employees)	Employers' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. Employees whose average daily wages are below Re. 1	Nil	0 7 0	0 7 0

Group of employees	Employees' contribution (recoverable from employees	Employers' contribution	Total contribution (employees' and employer's contribution).
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A, P.
2. Employeeees whose average daily wages are Re. 1 and above, but below Rs. 1 8 0	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1 8 0 and above, but below Rs. 2	0 4 0	0 8 0	0 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II

(*See* sections 49, 51, 52 and 53)

*Sickness * Benefit and Disablement and Dependants' Benefits.*

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness * benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE

Group of employees	Average assumed daily wages.
1	2
	Rs. A. P.
1 Employees whose average daily wages are below Re. 1 . .	0 14 0
2 Employees whose average daily wages are Re. 1 and above, but below Rs. 1 8 0.	1 4 0

Group of employees		Average assumed daily wages
	1	2
		Rs. A. P.
3	Employees whose average daily wages are Rs. 1 8 0 and above, but below Rs. 2.	1 12 0
4	Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2 8 0
5	Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	3 8 0
6	Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	5 0 0
7	Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7 0 0
8	Employees whose average daily wages are Rs. 8 and above.	10 0 0

2. The daily rate of sickness benefit during any benefit period shall be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was not deemed to have been not available for employment within the meaning of section 48; provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1/4/- a day for 10 weeks, Rs. 1/12/- a day for 10 weeks and Rs. 2/8/- a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{10 \times 20 + 10 \times 28 + 6 \times 40}{26} = 27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas. rounded to the next higher anna, namely, 14 annas.

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs. 1/4/- for the 12 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{12 \times 20}{(26 - 14)} = 20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was employed as an employee for only 20 weeks (he having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being

Rs. 1/12/- for 20 weeks, the average of the daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{20 \times 28}{(26 - 4)} = 25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas, rounded to the next higher anna, namely, 13 annas.

3. Disablement * and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be:—

$$\frac{0 \times 14 + 20 \times 20 + 12 \times 28}{52} = 19\frac{28}{52} \text{ annas.}$$

The disablement or dependants' benefit will then be $9\frac{2}{26}$ annas, rounded to the next higher anna, namely, 10 annas a day.

Example 2.—If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be:—

$$\frac{20 \times 14 + 14 \times 20}{34} = 16\frac{16}{34} \text{ annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$ annas, rounded to the next higher anna, namely, 9 annas a day.

The disablement or dependants' benefits calculated as aforesaid shall be called the full rate.

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows:—

(i) to the insured person—

(a) for temporary disblement, during the period of such disablement at the full rate;

(b) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1923 (VIII of 1923), for life;

(c) for permanent total disablement, at the full rate for life;

(d) in cases of disablement not covered by clauses (a), (b) and (c) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows:—

(a) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows;

(b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age;

(c) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier;

Provided, that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation:

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependants' benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923), XIV shall be payable as follows:—

(a) to a parent or grand parent, for life;

(b) to any other male dependant, until he attains fifteen years of age;

(c) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

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18. THE MYSORE EMPLOYEES' STATE INSURANCE BILL.

Statement of Principles.

The Indian Dominion Legislature recently passed a Bill to provide for certain benefits to employees in case of sickness, maternity and employment injury. It is considered necessary that labourers in Mysore should be entitled to similar benefits. The present Bill closely follows the Bill passed by the Dominion Legislature.

The scheme envisaged in the Bill is one of compulsory State insurance providing for certain benefits in the event of sickness, maternity and employment injury to employees employed in or in connection with work in factories other than seasonal factories. Provision has been made for extending the scheme to other establishment or class of establishments, industrial, commercial, agricultural or otherwise. The administration of the scheme is proposed to be entrusted to a Corporation constituted under the Bill. The Corporation will be constituted of representatives of Government and of employers and employees and the medical profession. The Corporation will also include certain members elected by the Legislative Council. A Standing Committee of the Corporation will act as the Executive of the Corporation, and a Medical Benefit Council will also be set up to advise on matters relating to the administration of medical benefit.

The insurance fund will be mainly derived from contributions from employers and employees. The contribution payable in respect of each employee will be based on his average wages and will be payable in the first instance by the employer. The employer will be entitled to recover the employee's share from the wages of the employee concerned. Employees whose earnings do not exceed one rupee a day will be totally exempt from payment of any share of the contribution, the entire contribution on account of such employee being met by the employer. Provision has been made for the preparation of proper budgets and the audit of accounts.

The insured employee will be entitled to the following benefits:—

(a) *Sickness-Cash Benefit.*—An employee if certified sick and incapable of working, will receive for a period not exceeding 56 days in any continuous period of 365 days a cash allowance equal approximately to half his average daily wages. He will also be entitled to receive medical care and treatment at such hospitals, dispensaries

or other institutions to which the factory in which he is employed may be allotted.

(*b*) *Maternity Benefit.*—Women employees will be entitled to receive a maternity benefit at 12 annas a day for 12 weeks. They will also be entitled to medical aid at the aforesaid medical institutions.

(*c*) *Disablement and Dependants' Benefits.*—An employee disabled by employment injury will receive, for the period of disablement or life depending on whether the disablement is temporary or full and permanent as the case may be, a monthly pension equivalent to half his average wages during the previous 52 weeks. Where disablement is partial, the pension will be proportionately reduced. In case of death resulting from employment injury, the pension will be payable to the widow or widows, minor sons and minor and unmarried daughters, or in case there are no widow and legitimate children, to other dependants of the deceased employee. Employees and their families will also be entitled to medical care and treatment.

Medical care and treatment to insured employees and their families will be provided by the Government at such hospitals, dispensaries and other institutions as may be prescribed for the purpose. The cost of the medical benefit will be shared between the Government and the Corporation in such proportions as may be agreed upon between them.

Employees' State Insurance Courts will be set up to decide disputes and adjudicate on claims. The cost of the tribunal will be paid by the Insurance Fund.

Government will make rules on matters relating to the administration of the Corporation, such as nomination and election of members of the Corporation, Standing Committee, Madical Benefit Council, powers and duties of the principal officers, raising of loans, investment of funds, accounts to be maintained by the Corporation, their audit and publication. Government will also make rules on matters relating to the employees insurance courts to be set up under the Act, establishment of hospitals, dispensaries, medical institutions, etc., and the scale of medical benefit to be provided to insured persons. The Corporation will make regulations on matters relating to the working of the scheme, *e.g.*, collection of contributions, payment of benefits, returns and other particulars to be submitted by employers in respect of employees employed by them, the conditions to be observed by insured persons in receipt of benefits, etc.

18. THE MYSORE EMPLOYEES' STATE INSURANCE BILL

A Bill to provide for certain benefits to employees in case of sickness, maternity, and employment injury and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. **Short title, extent, commencement and application.**—(1) This Act may be called the Mysore Employees' State Insurance Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, but different dates may be appointed for different provisions of this Act.

(4) It shall apply, in the first instance to all factories (including factories belonging to the Government) other than seasonal factories

(5) The Government may, in consultation with the Corporation after giving six months' notice of its intention of so doing by notification in the Official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in regulations;

(2) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(3) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act;

(4) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period as may be specified in regulations;

(5) "Corporation" means the Mysore Employees' State Insurance Corporation set up under this Act;

(6) "duly appointed" means appointed in accordance with the provisions of this Act or the rules and regulations made thereunder;

(7) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1928 (XIV of 1928), if he were a workman within the meaning of the said Act;

(8) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(*i*) who is directly employed by the principal employer on any work of, or incidental to or preliminary to or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere;

(*ii*) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment;

(*iii*) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

but does not include—

(*a*) any member of His Majesty's Naval, Military or Air Forces or of the Mysore State Forces; or

(*b*) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month;

(9) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution;

(10) "family" means the spouse and minor legitimate and adopted children dependent upon the insured person;

(11) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Mysore Mines Act, 1906 (IV of 1906);

"seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Mysore Factories Act, 1936 (I of 1936);

(12) "immediate employer", in relation to employees employed by or through him, means a person who has undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(13) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(14) "occupier" of the factory shall have the meaning assigned to it in the Mysore Factories Act, 1936 (I of 1936);

(15) "prescribed" means prescribed by rules made under this Act;

(16) "principal employer" means—

(i) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (1) of section 9 of the Mysore Factories Act, 1936 (I of 1936), the person so named;

(ii) in any establishment under the control of any department of the Government, the authority appointed by the Government in this behalf or where no authority is so appointed, the head of the Department;

(iii) in any other establishment any person responsible for the supervision and control of the establishment;

(17) "regulation" means a regulation made by the Corporation;

(18) "Schedule" means a Schedule to this Act;

(19) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(20) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(21) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(*a*) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

(*b*) any travelling allowance or the value of any travelling concession;

(*c*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*d*) any gratuity payable on discharge;

(22) "week" means a period of seven days commencing at midnight on Saturday night;

(23) the expressions "dependant," "managing agent," "occupational disease," "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the meanings assigned to them in the Workmen's Compensation Act, 1928 (XIV of 1928).

CHAPTER II.

CORPORATION STANDING COMMITTEE AND MEDICAL BENEFIT COUNCIL.

3. Establishment of Employees' State Insurance Corporation.—(1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Mysore Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Mysore Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of Corporation.—The Corporation shall consist of the following members, namely,—

(*a*) the Minister for Labour in the Government, *Ex-officio*, as Chairman;

(*b*) the Minister for Health in the Government, *Ex-officio*, as Vice-Chairman;

15. Fees and allowances.—Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may from time to time be prescribed by the Government.

16. Principal Officers.—(1) The Government may, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely ,—

(*a*) a Commissioner of Employees' State Insurance;
(*b*) a Medical Commissioner;
(*c*) a Chief Accounts Officer; and
(*d*) an Actuary.

(2) The Commissioner shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for re-appointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Government.

(6) A person shall be disqualified from being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 14.

(7) The Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. Staff.—(1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of five hundred rupees and above.

(2) The Corporation shall, with the approval of the Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of five hundred rupees and above shall be made in consultation with the Public Service Commissioner:

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

18. Powers of the Standing Committee.—(1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of employees.—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council.—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such time and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

21. Supersession of the Corporation and Standing Committee.—(1) If in the opinion of the Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, it may, by notification in the Official Gazette, supersede the Corporation or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded, a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Government may—

(*a*) immediately nominate or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8;

(*b*) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The ~~Central~~ Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislative Council at the earliest opportunity and in any case not later than three months, from the date of the notification superseding the Corporation or the Standing Committee, as the case may be. Legislature

22. Duties of Medical Benefit Council.—The Medical Benefit Council shall—

(*a*) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters ;

(*b*) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance ; and

(*c*) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

23. Duties of Principal Officers.—The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

24. Acts of Corporation, etc., not invalid by informality, etc.—No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical Benefit Council.

25. Regional Boards, Local Committees, Regional and Local Medical Benefit Councils.—The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions as may be provided by regulations.

CHAPTER III

FINANCE AND AUDIT

26. Employees' State Insurance Fund.—(1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Employees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government, any Local Authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into such treasury or bank as may be approved by the Government, to an account styled the account of the Employees' State Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

27. Purposes for which the Fund may be expended.—Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Employees' State Insurance Fund shall be expended only for the following purposes, namely :—

(*i*) payment of benefits and provision of medical treatment and attendance to insured persons, and where the medical benefit has been extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying charges and costs in connection therewith ;

(*ii*) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils ;

(*iii*) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act ;

(*iv*) establishment and maintenance of hospitals, dispensaries and other institutions and the provisions of medical and other ancillary services

for the benefit of insured persons and, where the medical benefit has been extended to their families, their families ;

(*v*) payment of contributions to the Government, any local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit has been extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation ;

(*vi*) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities :

(*vii*) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act ;

(*viii*) payment of any sums under any contract entered into for the purposes of of this Act by the Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf :

(*ix*) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation ;

(*x*) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act ;

(*xi*) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured ; and

(*xii*) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

28. Holding of property, etc.—(1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time re-invest or realise such investment.

(3) The Corporation may, with the previous sanction of the Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff or any class of them, such provident or other benefit fund as it may think fit.

29. The Corporation may take loans from the Government for purposes of meeting the administrative expenses of the Corporation and discharge such loans in accordance with such rules as may be prescribed.

30. Vesting of the property in the Corporation.—All property acquired before the establishment of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

31. Expenditure by Government to be treated as a loan.—All expenditure incurred by the Government for and in connection with the establishment of the

Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation and such loan shall be discharged in such manner as may be prescribed.

32. Budget estimate.—The Corporation shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

33. Accounts.—The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

34. Audit.—(1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed by auditors appointed by the Government.

(2) The auditors shall at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

35. Annual report.—The Corporation shall submit to the Government an annual report of its work and activities.

36. Budget, audited accounts and the annual report to be placed before the Legislative Council.—The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislative Council and published in the Official Gazette.

37. Valuation of assets and liabilities.—The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Government :

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV.

CONTRIBUTIONS.

38. All employees to be insured.—Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

39. Contributions.—(1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

(2) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf.

(3) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(4) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in regulations.

40. Principal employer to pay contributions in first instance.—(1) The principal employer shall pay in respect of every employee whether directly employed by him or by or through an immediate employer both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer, shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, the principal employer shall not be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

41. Recovery from immediate employer of contribution.—(1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shal be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in sub-sections (2) and (3) of section 40.

Explanation—For the purposes of sections 40 and 41, wages should be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

42. General provisions as to payment of contributions.—(1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee.

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed.

(3) Where wages are payable to an employee for a portion of the week the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution.

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), contribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

43. Method of payment of contribution.—Subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act and without prejudice to the generality of the foregoing power such regulations may provide for—

(*a*) the manner and time of payment of contributions;

(*b*) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed;

(*c*) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate; and

(*d*) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

44. Returns by employers.—Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in regulations made in this behalf.

45. Inspectors, their functions and duties.—(1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any inspector appointed by the Corporation under sub-section (1) (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with,—

(*a*) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(*b*) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(*c*) examine, with respect to any matter relevant to the purposes aforesaid, the principal or immediate employer, his agent or servant, or any person found in such factory, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an employee.

(3) An inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS.

46. Benefits.—(1) Subject to the provisions of this Act, the insured persons, or as the case may be, their dependants shall be entitled to the following benefits, namely,—

(*a*) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit);

(*b*) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by regulations (hereinafter referred to as maternity benefit);

(*c*) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by regulations (hereinafter referred to as disablement benefit);

(*d*) periodical payments to such dependants of an insured person who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(*e*) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(2) The Corporation may, at the request of the Government, and subject to such conditions as may be laid down in regulations, extend the medical benefits to the family of an insured person.

47. When person eligible for sickness benefit.—A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions, in respect of him are payable for not less than two-thirds of the number of weeks during which he shall not be deemed to have been not available for employment within the meaning of section 48, subject to a minimum of twelve contributions:

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

48. When person deemed not available for employment.—(1) A person shall be deemed to have been not available for employment in any week—

(*a*) if during the whole of such week he is unable to work on account of sickness which has been duly certified, whether he is qualified to receive sickness benefit or not or

(*b*) if during the whole of such week he is qualified to receive disablement benefit for temporary disablement.

(2) A woman shall be deemed to have been not available for employment in any week if during the whole of such week she would have been entitled to the maternity benefit provided in section 50 had she fulfilled all other conditions entitling her thereto.

49. Sickness benefit.—Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance with section 47 shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness:

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid:

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of

days for which he has already received the benefit makes up to a total of fifty-six days during any continuous period of three hundred and sixty-five days.

50. Maternity benefit.—(1) An insured woman shall be qualified to claim maternity benefit for a confinement occurring in a benefit period if during the corresponding contribution period, weekly contributions, in respect of her, have been paid for not less than two-thirds of the number of weeks during which she shall not be deemed to have been not available for employment whithin the meaning of section 48 subject to a minimum of twelve contributions:

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(2) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (1) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

51. Disablement benefit.—(1) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable—

(*a*) to a person who sustains temporary disablement, during the period of such disablement;

(*b*) to a person who sustains permanent partial disablement, during his life;

(*c*) to a person who sustains permanent total disablement, during his life; and

(*d*) to a person, in all cases of disablement not falling under sub-clauses (*a*), (*b*) or (*c*) of this sub-section, as may be provided in regulations.

(2) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

52. Dependants' benefit.—Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependant's benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule.

53. Disablement and dependants' benefits.—Where an insured person is or his dependants are entitled to receive or recover, whether from the employer of the insured person or from any other person any compensation or damages under the Workmen's Compensation Act, 1928 (XIV of 1928), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely:—

(*i*) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1928 (XIV of 1928), from the Corporation and not from the employer or other person.

(*ii*) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(*iii*) In case the insured person does not leave surviving him any widow or children as aforesaid or in the case of an insured woman if she does

not leave behind her any children as aforesaid, dependants' benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928).

(*iv*) The amount of dependants' benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the insured person as benefit on permanent total disablement.

(*v*) Save as modified by this Act, the obligations and liabilities imposed on an employer by the Workmen's Compensation Act, 1928 (XIV of 1928), shall continue to apply to him.

54. Medical examination.—All medical examinations and treatment referred to in the Workmen's Compensation Act, 1928 (XIV of 1928), shall for the purposes of this Act, be carried out by duly appointed medical practitioners.

55. Review of benefits.—(*1*) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), on the application of—

(*a*) an Insurance Officer of the Corporation, or

(*b*) the person receiving the benefit, and such application shall be accompanied by a certificate of a duly appointed medical officer:

Provided that such application may be made without such certificate in such circumstances as may be specified in regulations made in this behalf.

(*2*) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

56. Medical benefit.—(*1*) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.

(*2*) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution.

(*3*) A person shall be entitled to medical benefit during any week for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or, as provided under the regulations, is in receipt of disablement benefit:

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations.

57. Scale of medical benefit.—(*1*) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and of such scale as may be provided by the Government or by the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(*2*) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by regulations.

58. Provision of medical treatment by Government.—(*1*) The Government shall provide for insured persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment (as out-patient or in-patient as the circumstances of the case may require) at dispensaries, hospitals or other institutions:

Provided that the Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(*2*) The Corporation may enter into an agreement with the Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the Corporation and the Government.

(*3*) In default of agreement between the Corporation and the Government as aforesaid the nature and extent of the medical treatment to be provided by the Government and the proportion in which the cost thereof shall be determined by an arbitrator (who shall be or shall have been a Judge of the High Court) appointed by the Chief Justice and the award of the arbitrator shall be binding on the Corporation and the Government.

59. Establishment and maintenance of hospitals, etc., by Corporation.—(1) The Corporation may, with the approval of the Government, establish and maintain such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(2) The Corporation may enter into agreement with any Provincial Government in India, local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL.

60. Benefit not assignable or attachable.—(1) The right to receive any future payment of any benefit under this Act shall not be transferable or assignable.

(2) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. Bar of benefits under other enactments.—When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

62. Employees not to commute cash benefits.—Save as may be provided in the regulations an employee shall not be entitled to commute for a lumpsum any periodical payment admissible under this Act.

63. Employees not entitled to receive benefits in certain cases.—No person shall be entitled to sickness benefit or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages,

64. Employees to observe conditions.—A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)—

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(*c*) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by regulations; and

(*d*) shall allow himself to be examined by any duly appointed medical officer or sick visitor or other person authorised by the corporation in this behalf.

65. Benefits not to be combined.—(1) An insured person shall not be entitled to receive for the same period—

(*a*) both sickness benefit and maternity benefit; or

(*b*) both sickness benefit or disablement benefit for temporary disablement; or

(*c*) both maternity benefit and disablement benefit for temporary disablement.

(2) Where a person is entitled to more than one of the benefits mentioned in sub-section (1), he shall be entitled to choose which benefit he shall receive.

66. Corporation's right to recover damages from employer in certain cases.—(1) Where any employment injury is sustained by on insured person as an employee under this Act by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or establishment or by reason of any wrongful act of the employer or his agent, the Corporation shall be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1928 (XIV of 1928), the actuarial present value of the periodical payments which the Corporation is liable to make under this Act.

(2) For the purposes of this Act, the actuarial present value of the periodical payments shall be determined in such manner as may be specified in regulations.

67. Corporation's right to be indemnified in certain cases.—Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability of some person other than the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable:

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the employee sustaining the employment injury as an employee under this Act, except in cases covered by section 66.

68. Corporation's right to recover contribution neglected to be paid by principal employer.—(1) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not

occurred and the Corporation shall be entitled to recover from the principal employer either—

(i) the difference between the amount of benefit which is paid to the said person and the amount of the benefit which would be payable on the basis of the contributions which should have been paid by the employer; or

(ii) twice the amount of the contribution which the employer failed or neglected to pay; whichever is greater.

(2) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

69. Liability of owner or occupier of factories, etc., for excessive sickness benefit.—(1) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reason of—

(i) insanitary working conditions in a factory or establishment or the neglect of the owner or occupier of the factory to observe any health regulations enjoined on him by or under any enactment, or

(ii) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary condition is attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment,

the Corporation may send to the owner or occupier of the factory or establishment or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the Government.

(2) If the Government is of opinion that a *prima facie* case for inquiry is disclosed it may appoint a competent person or persons to hold an inquiry into the matter.

(3) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil court.

(5) For the purposes of this section, " owner " of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

70. Repayment of benefit improperly received.—*(1)* Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

71. Benefit payable up to and including day of death.—If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of

such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

72. Employer not to reduce wages, etc.—No employer by reason merely of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or discontinue or reduce benefits payable to him under the conditions of his service which are similar to the benefits conferred by this Act, except as provided by the regulations.

73. Employer not to dismiss or punish employee during period of sickness, etc.—(*1*) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations to arise out of the pregnancy or confinement rendering the employee unfit for work.

(*2*) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (*1*) shall be valid or operative.

CHAPTER VI.

Adjudication of Disputes and Claims.

74. Constitution of Employees' Insurance Court.—(*1*) The Government shall, by notification in the Official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification.

(*2*) The Court shall consist of such number of judges as the Government may think fit.

(*3*) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a judge of the Employees' Insurance Court.

(*4*) The Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(*5*) Where more than one Court has been appointed for the same local area, the Government may by general or special order regulate the distribution of business between them.

75. Matters to be decided by Employees' Insurance Court.—(*1*) If any question or dispute arises as to—

(*a*) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(*b*) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(*c*) the rate of contribution payable by a principal employer in respect of any employee, or

(*d*) the person who is or was the principal employer in respect of any employee, or

(*e*) the right of any person to any benefit and as to the amount and duration thereof, or

(*f*) the actuarial present value of the periodical payments referred to in section 56, or

(g) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act.

Such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Employees' Insurance Court, namely :—

(a) claim for the recovery of contributions from the principal employer;

(b) claim by a principal employer to recover contributions from any immediate employer;

(c) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(d) claim against a principal employer under section 68;

(e) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(f) any claim for the recovery of any benefit admissible under this Act.

(3) No civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

76. Institution of proceedings, etc.—(1) Subject to the provisions of this Act and any rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question of dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) The Court to which any matter is transferred under sub-section (2) shall continue the proceedings as if they had been originally instituted in it.

77. Commencement of proceedings.—(1) The proceedings before an Employees' Insurance Court shall be commenced by application.

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Government in consultation with the Corporation.

78. Powers of Employees' Insurance Court.—(1) The Employees' Insurance Court shall have all the powers of a civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence; and such Court shall be deemed to be a civil Court within the meaning of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1904 (II of 1904).

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the Government, be in the discretion of the Court.

(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil Court.

79. Appearance by legal practitioners, etc.—Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner or by an officer of an association registered under the Mysore Labour Act, 1942, authorised in writing by such person or with the permission of the Court, by any other person so authorised.

80. Benefit not admissible unless claimed in time.—An Employees' Insurance Court shall not direct the payment of any benefit to a person unless he has made a claim for such benefit in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable excuse for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefits as if the claim had been made in time.

81. Reference to High Court.—An Employees' Insurance Court may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.

82. Appeal.—(1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be sixty days.

(4) The provisions of sections 5 and 12 of the Mysore Limitation Act, 1911 (IV of 1911), shall apply to appeals under this section.

83. Stay of payment pending appeal.—Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII.

PENALTIES.

84. Punishment for false statement.—Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both.

85. Punishment for failure to pay contributions, etc.—If any person—

(*a*) fails to pay any contribution which under this Act he is liable to pay, or

(*b*) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(*c*) reduces the wages or any privileges or benefits admissible to an employee in contravention of section 72, or

(*d*) dismisses, discharges, reduces or otherwise punishes an employee in contravention of section 73 or any regulation, or

(*e*) fails or refuses to submit any return required by the regulations or makes a false return, or

(*f*) obstructs any inspector or other official of the Corporation in the discharge of his duties, or

(*g*) is guilty of any contravention of or non-compliance with any of the requirements of this Act or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

86. Prosecutions.—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Commissioner of Employees' State Insurance.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MICELLANEOUS.

87. Exemption of a factory or establishment or class of factories or establishments.—The Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment or class of factories or establishments in any specified area from the operation of this Act for a period not exceeding one year and may from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

88. Exemption of persons or class of persons.—The Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons employed in any factory or establishment or class of factories or establishments to which this Act applies from the operation of the Act.

89. Corporation to make representation.—No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity has been given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

90. Exemption of factories or establishments belonging to Government or any local authority.—The Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the Government or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

91. Exemption from one or more provisions of the Act.—The Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

92. Corporation officers and servants to be public servants.—All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

93. Contributions, etc., due to Corporation to have priority over other debts.—There shall be deemed to be included among the debts which, under section

61 of the Mysore Insolvency Act, 1925 (XI of 1925), or under section 230 of the Mysore Companies Act, 1938 (XVII of 1938), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

94. Power of Government to make rules.—(1) The Government may, subject to the condition of previous publication, make rules not inconsistent with this Act in regard to all or any of the following matters, namely :—

(*a*) the manner in which nominations and elections of members of the Corporation, Standing Committee and Medical Benefit Council shall be made ;

(*b*) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year ;

(*c*) the records to be kept of the transaction of business by the Corporation, Standing Committee and the Medical Benefit Council ;

(*d*) the powers and duties of the Principal Officers and the conditions of their service ;

(*e*) the powers and duties of the Medical Benefit Council ;

(*f*) the procedure to be adopted in the execution of contracts ;

(*g*) the acquisition, holding and disposal of property by the Corporation ;

(*h*) the raising and repayment of loans ;

(*i*) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation ;

(*j*) the basis on which the periodical valuation of the assets and liabilities of the Corporation shall be made ;

(*k*) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised ;

(*l*) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited ;

(*m*) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged ;

(*n*) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(*o*) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation ; and

(*p*) any other matter in regard to the incorporation, regulation and winding up of the Corporation required or allowed by this Act to be prescribed by the Government.

(*q*) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges ;

(*r*) the procedure to be followed in proceedings before such courts and the execution of orders made by such courts ;

(*s*) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications ;

(*t*) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution ;

(*u*) the scale of medical benefit which shall be provided at any such hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns ;

(*v*) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions ;

(*w*) the conditions of service of the staff employed at such hospitals, dispensaries and institutions ; and

(*x*) any other matter which is required or allowed by this Act to be prescribed by the Government.

(2) Rules made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

95. Power of Corporation to make regulations.—(1) The Corporation may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings ;

(ii) the matters which shall be referred by the Standing Committee to the Corporation for decision ;

(iii) the manner in which any contribution payable under this Act shall be assessed and collected ;

(iv) reckoning of wages for the purpose of fixing the contribution payabale under this Act ;

(v) the certification of sickness and eligibility for any cash benefit ;

(vi) the method of determining the actuarial present value of periodical payments ;

(vii) the assessing of the money value of any benefit which is not a cash benefit ;

(viii) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim ;

(ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished ;

(x) the manner in which and the place and time at which any benefit shall be paid ;

(xi) the method of calculating the amount of cash benefit payable to an employee and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value ;

(xii) the notice of pregnancy or of confinement and notice and proof of sickness ;

(xiii) the conditions under which any benefit may be suspended ;

(xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons ;

(xv) the visiting of sick persons ;

(xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates ;

(xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees ;

(xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted;

(xix) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(xx) the duties and powers of inspectors and other officers and servants of the Corporation;

(xxi) the conditions of service of the officers and servants of the Corporation other than the Principal Officers;

(xxii) the procedure to be followed in remitting contributions to the Corporation;

(xxiii) the portion of the expenses of remitting contributions which should be borne by the principal employer; and

(xxiv) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

96. Enhancement of benefits.—At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

SCHEDULE I

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages.

2. The average daily wages shall be :—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the week divided by the number of days worked (reckoned in terms of full working days) ;

(*b*) in respect of an employee employed on weekly wages, the amount earned in the week divided by the number of days worked (reckoned in terms of full working days) ;

(*c*) in respect of an employee employed on monthly wages, the amount earned in the month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) ;

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period ;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the * week divided by the number of days worked (reckoned in terms of full working days) ;

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight ;

(*g*) in respect of an employee who does not fall under clauses (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by regulations, pay, salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE

Group of employees.	Employees' contribution (recoverable from employees)	Employers' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Employees whose average daily wages are below Re. 1	Nil.	0 7 0	0 7 0

Group of employees	Employees' contribution (recoverable from employees)	Employees' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A. P.
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	0 4 0	0 8 0	0 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II.

(*See* sections 49, 51, 52 and 53).

Sickness Benefit and Disablement and Dependants' Benefits.

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE

	Group of employees	Average assumed daily wages		
	1	2		
		Rs.	A.	P.
1	Employees whose average daily wages are below Re. 1	0	14	0
2	Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	1	4	0
3	Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	1	12	0
4	Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2	8	0
5	Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	3	8	0
6	Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	5	0	0
7	Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7	0	0
8	Employees whose average daily wages are Rs. 8 and above ...	10	0	0

2. The daily rate of sickness benefit during any benefit period shall be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was not deemed to have been not available for employment within the meaning of section 48; provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1/4/- a day for 10 weeks, Rs. 1/12/- a day for 10 weeks and Rs. 2/8/- a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{10\times 20+10\times 28+6\times 40}{26}=27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas, rounded to the next higher anna, namely, 14 annas.

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs. 1/4/- for the 12 weeks, the average of the assumed daily wages for purpose of the rate of sickness benefit will be :—

$$\frac{12 \times 20}{(26-14)} = 20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was employed as an employee for only 20 weeks (he, having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being Rs. 1-12-0 for 20 weeks, the average of the daily wages for the purpose of the rate of sickness benefit will be :—

$$\frac{20 \times 28}{(26-4)} = 25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas rounded to the next higher anna, namely, 13 annas.

3. Disablement and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid : provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples : —

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20 \times 14 + 20 \times 20 + 12 \times 28}{52} = 19\frac{28}{52} \text{ annas.}$$

The disablement or dependants' benefit will then be $9\frac{20}{26}$ annas, rounded to the next higher anna, namely, 10 annas a day.

Example 2.— If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20 \times 14 + 14 \times 20}{34} = 16\frac{16}{34} \text{ annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$ annas, rounded to the next higher anna, namely, 9 annas a day.

18. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಕೆಲಸಗಾರರ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನು.

ನಿಯಮಗಳ ವಿವರ.

ಕೆಲಸಗಾರರು ಖಾಯಿಲೆಬಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ, ಹೆರಿಗೆ ಕಾಲದಲ್ಲಿ ಮತ್ತು ಕೆಲಸ ನಡೆಯಿಸುವ ಕಾಲದಲ್ಲಿ ಕೆಲಸಗಾರರಿಗೆ ಜಖಂ ಆದ ಸಂದರ್ಭದಲ್ಲಿ ಅವರಿಗೆ ಕೆಲವು ಸೌಕರ್ಯಗಳನ್ನು ಕಲ್ಪಿಸುವುದಕ್ಕಾಗಿ ಈಚೆಗೆ ಇಂಡಿಯಾ ಡೊಮಿನಿಯನ್ನಿನ ಶಾಸನ ಸಭೆಯಲ್ಲಿ ಒಂದು ಮಸೂದಾ ಕಾನೂನು ಮಂಜೂರಾಯಿತು. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿರತಕ್ಕ ಕೆಲಸಗಾರರಿಗೆ ಕೂಡ ಅದೇ ವಿಧವಾದ ಸೌಕರ್ಯಗಳನ್ನು ಪಡೆಯಲು ಹಕ್ಕಿರುವುದು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸಲಾಗಿದೆ. ಈ ಮಸೂದಾಕಾನೂನು ಡೊಮಿನಿಯನ್ ಶಾಸನ ಸಭೆಯಲ್ಲಿ ಮಂಜೂರು ಮಾಡಲ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನನ್ನೇ ಬಹುಮಟ್ಟಿಗೆ ಅನುಸರಿಸಿ ರಚಿತವಾಗಿದೆ.

ಈಗ ಕಲ್ಪಿಸಬೇಕೆಂದಿರುವ ಯೋಜನೆಯ ಮೇರೆಗೆ, ಕೆಲಸಗಾರರಿಗೆ ಕೆಲವು ಸೌಕರ್ಯಗಳನ್ನು ಕಲ್ಪಿಸುವ ಉದ್ದೇಶದಿಂದ ನಿರ್ಬಂಧಕವಾದ ಸರ್ಕಾರಿ ವಿಮೆಯ ಏರ್ಪಾಡು ವಿಧಾಯಕವಾಗುವಂತೆ ಮಸೂದಾಕಾನೂನಿನಲ್ಲಿ ನಿಯಮಗಳನ್ನು ಸೇರಿಸಲಾಗಿದೆ. ಈ ಯೋಜನೆಯು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಕ್ಲುಪ್ತಕಾಲಗಳಲ್ಲಿ ಮಾತ್ರವೇ ಕೆಲಸ ನಡೆಯತಕ್ಕ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಇತರ ಕಾರ್ಖಾನೆಗಳಲ್ಲಿ ನೇಮಕವಾಗಿರತಕ್ಕ ಅಥವಾ ಇತರ ಕಾರ್ಖಾನೆಗಳಲ್ಲಿ ನಡೆಯುವ ಕೆಲಸದ ಸಂಬಂಧದಲ್ಲಿ ನೇಮಕವಾಗಿರತಕ್ಕ ಕೆಲಸಗಾರರು ಖಾಯಿಲೆಬಿದ್ದ ಕಾಲದಲ್ಲಿ, ಮತ್ತು ಕೆಲಸಕ್ಕೆ ನೇಮಕವಾಗಿರುವ ಹೆಂಗಸರ ಹೆರಿಗೆಯ ಕಾಲದಲ್ಲಿ ಮತ್ತು ಕೆಲಸಗಾರರು ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಕೆಲಸ ನಡೆಯಿಸುವಾಗ್ಗೆ ಅವರಿಗೆ ಜಖಂ ಆದ ಸಂದರ್ಭದಲ್ಲಿ ಅವರಿಗೆ ಕೆಲವು ಸೌಕರ್ಯಗಳು ಒದಗುವಂತೆ ಮಾಡುವುದು ಈ ಯೋಜನೆಯ ಉದ್ದೇಶ. ಈ ಯೋಜನೆಯು ಕೈಗಾರಿಕೆಯ, ವಾಣಿಜ್ಯದ, ವ್ಯವಸಾಯದ ಅಥವಾ ಬೇರೆ ರೀತಿಯ ಇತರ ಉದ್ಯಮಗಳಿಗೆ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಉದ್ಯಮಗಳಿಗೆ ಅನ್ವಯಿಸುವಂತೆ ಮಾಡುವುದಕ್ಕೂ ಮಸೂದಾಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿದೆ. ಈ ಯೋಜನೆಯ ಸಂಬಂಧದ ಆಡಳಿತ ಈ ಮಸೂದಾಕಾನೂನಿನ ಮೇರೆಗೆ ಏರ್ಪಟ್ಟ ಒಂದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ಒಪ್ಪಿಸಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆ. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು, ಅದರಲ್ಲಿ ಸರ್ಕಾರದ ಪ್ರತಿನಿಧಿಗಳೂ ಕಾರ್ಖಾನೆಯ ಯಜಮಾನರುಗಳ ಮತ್ತು ಕೆಲಸಗಾರರ ಪ್ರತಿನಿಧಿಗಳೂ ಮತ್ತು ವೈದ್ಯವೃತ್ತಿಯ ಪ್ರತಿನಿಧಿಗಳೂ ಸದಸ್ಯರಾಗಿರುವಂತೆ ರಚಿಸಲ್ಪಡುವುದು. ಅಲ್ಲದೆ, ಆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಲ್ಲಿ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಿಂದ ಚುನಾಯಿಸಲ್ಪಟ್ಟ ಕೆಲವು ಮಂದಿ ಸದಸ್ಯರುಗಳು ಕೂಡ ಇರುತ್ತಾರೆ. ಆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಖಾಯಂ ಸಮಿತಿಯು (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯು) ಆ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ನಿರ್ವಾಹಕ ಸಮಿತಿಯಾಗಿ ಕೆಲಸಕಾರ್ಯಗಳನ್ನು ನಡೆಯಿಸುತ್ತದೆ. ಮತ್ತು ಕೆಲಸಗಾರರಿಗೆ ವೈದ್ಯ ಸಹಾಯ ಸೌಕರ್ಯಗಳನ್ನೂ ಏರ್ಪಡಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವಿಚಾರಗಳ ಮೇಲೆ ಸಲಹೆ ಹೇಳಲು "ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್" ಎಂಬ ಒಂದು ವೈದ್ಯ ಸಹಾಯ ಸಂಬಂಧದ ಸಭೆಯನ್ನು ಕೂಡ ಏರ್ಪಡಿಸಲಾಗುವುದು.

ವಿಮೆಯ ನಿಧಿಯು, ಮುಖ್ಯವಾಗಿ ಕಾರ್ಖಾನೆಯ ಯಜಮಾನರುಗಳೂ ಮತ್ತು ಕೆಲಸಗಾರರೂ ಪಾವತಿ ಮಾಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯದ ಮೊಬಲಗುಗಳಿಂದ (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳಿಂದ) ಏರ್ಪಡುವುದಾಗಿರುತ್ತದೆ. ಪ್ರತಿಯೊಬ್ಬ ಕೆಲಸಗಾರನ ಸಂಬಂಧದಲ್ಲಿಯೂ ಪಾವತಿ ಮಾಡಲ್ಪಡಬೇಕಾದ ಸಹಾಯದ್ರವ್ಯವು (ಎಂದರೆ, "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು) ಅವನ ಸರಾಸರಿ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವನ್ನವಲಂಬಿಸಿರುತ್ತವೆ ಮತ್ತು ಆ ಮೊಬಲಗನ್ನು ಸಕಾಲದಲ್ಲಿ ಪಾವತಿಮಾಡುತ್ತಾಬರುವುದು ಕಾರ್ಖಾನೆಯ ಯಜಮಾನನ ಕೆಲಸ. ಅವನು, ತಾನು ಕೊಡಬೇಕಾದ ಮೊಬಲಗನ್ನೂ ಮತ್ತು ಕೆಲಸಗಾರರು ಕೊಡಬೇಕಾದ ಮೊಬಲಗನ್ನೂ ತಾನೆ ಪಾವತಿಮಾಡಿ ಆಯಾ ಕೆಲಸಗಾರನ ಭಾಗದ ಮೊಬಲಗನ್ನು ಆಯಾ ಕೆಲಸಗಾರನ ಕೂಲಿಯ ಅಥವಾ ಸಂಬಳದ ಮೊಬಲಗಿನಿಂದ ವಸೂಲುಮಾಡಿಕೊಳ್ಳಲು ಕಾರ್ಖಾನೆಯ ಯಜಮಾನನಿಗೆ ಅಧಿಕಾರವಿರುತ್ತದೆ. ಯಾವ ಕೆಲಸಗಾರರ ಸಂಪಾದನೆಯು ದಿನಕ್ಕೆ ಒಂದು ರೂಪಾಯಿಗಿಂತ ಹೆಚ್ಚಾಗುವುದಿಲ್ಲವೋ ಆ ಕೆಲಸಗಾರರು, ಅವರು ಕೊಡಬೇಕಾದ ಮೊಬಲಿಗಿನ ಪೈಕಿ ಯಾವ ಭಾಗವನ್ನೂ ಕೊಡಬೇಕಾದುದಿಲ್ಲವೆಂದು ವಿನಾಯಿಸಲ್ಪಡುವರು. ಅಂಥ ಕೆಲಸಗಾರರ ಭಾಗದ ಮೊಬಲಗು ಕಾರ್ಖಾನೆಯ ಯಜಮಾನನಿಂದಲೇ ಪೂರ್ತಿಯಾಗಿ ಪಾವತಿ ಮಾಡಲ್ಪಡತಕ್ಕದಾಗಿದೆ. ಈ ಸಂಬಂಧದಲ್ಲಿ, ಪ್ರತಿವರ್ಷವೂ ಸರಿಯಾದ ಆಯವ್ಯಯಗಳ ಅಂದಾಜನ್ನು (ಎಂದರೆ "ಬಡ್ಜೆಟ್") ತಯಾರಿಸುವುದಕ್ಕೂ ಮತ್ತು ಲೆಕ್ಕಗಳ ತನಿಖೆ ನಡೆಯುವುದಕ್ಕೂ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.

ಮೇಲೆ ಹೇಳಿದಂತೆ ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಕೆಲಸಗಾರನು ಈ ಕೆಳಗೆ ಕಂಡ ಸೌಕರ್ಯಗಳನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರುತ್ತಾನೆ—

(೧) <u>ಕಾಯಿಲೆಬಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ನಗದು ಮೊಬಲಗನ್ನು ಪಡೆಯತಕ್ಕ ಸೌಕರ್ಯ.</u>—ಒಬ್ಬ ಕೆಲಸಗಾರನು, ಕಾಯಿಲೆಯಾಗಿದ್ದಾನೆಂದೂ ಮತ್ತು ಕೆಲಸ ಮಾಡಲು ಶಕ್ತನಾಗಿಲ್ಲವೆಂದೂ ಸರ್ಟಿಫೈಮಾಡಲ್ಪಟ್ಟ ಪಕ್ಷದಲ್ಲಿ, ಯಾವುದಾದರೂ 365 ದಿನಗಳ ಅವಿಚ್ಛಿನ್ನವಾದ ಅವಧಿಯಲ್ಲಿ 55 ದಿನಗಳಿಗೆ ಮೀರದಷ್ಟು ಅವಧಿಯವರೆಗೆ ಈ ಸೌಕರ್ಯವು ಅವನಿಗೆ ದೊರೆಯುತ್ತದೆ ; ಎಂದರೆ ಅವನ ಪ್ರತಿದಿನದ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದ ಸರಾಸರಿ ಮೊಬಲಗಿನಲ್ಲಿ ಸುಮಾರು ಅರ್ಧದಷ್ಟು ಮೊಬಲಗು ಅವನಿಗೆ ಈ 55 ದಿನಗಳ ಅವಧಿಯಲ್ಲಿ ಪ್ರತಿ ದಿನಕ್ಕೂ ನಗದಾಗಿ ದೊರೆಯುತ್ತದೆ. ಅಲ್ಲದೆ, ಅವನು ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿರುವ ಕಾರ್ಖಾನೆಗಾಗಿ

H ನೇಯ ಭಾಗ

1. ವ್ಯವಸಾಯ ಕಾರ್ಯದ ಉದ್ಯೋಗ ಎಂದರೆ ವ್ಯವಸಾಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ವ್ಯವಸಾಯ ಕ್ಷೇತ್ರದಲ್ಲಿ ನಡೆಯುವ ಯಾವುದಾದರೂ ರೂಪದ ಉದ್ಯೋಗ; ಇದರಲ್ಲಿ ಸೇರಿಸತಕ್ಕ ಉದ್ಯೋಗಗಳು ಯಾವುವೆಂದರೆ: ಜಮೀನು ಸಾಗುವಳಿ ಮಾಡುವುದು, ಜಮೀನನ್ನು ಉಳುವುದು, ಹೈನದ ಮನೆಗಳನ್ನಿರಿಸಿಕೊಂಡಿರುವುದು, ಬೆಳೆಯುವುದು ಮತ್ತು ತಯಾರಿಸುವುದು, ಸಾಗುವಳಿ ಮಾಡುವುದು, ಯಾವುದಾದರೂ ವ್ಯವಸಾಯ ಸಂಬಂಧವಾದ ಕಾಳು ಕಡ್ಡಿಗಳನ್ನು ಅಥವಾ ತೋಟದಲ್ಲಿ ಬೆಳೆಯತಕ್ಕ ಹಣ್ಣುಕಾಯಿ, ಸೊಪ್ಪು ಮೊದಲಾದುವುಗಳನ್ನೂ ಬೆಳೆದು ಫಸಲನ್ನು "ರೇಖೆ" ಮಾಡಿ ಸಂಗ್ರಹಿಸುವುದು: ಜಾನುವಾರುಗಳನ್ನು, ಜೇನು ಹುಳುಗಳನ್ನು ಅಥವಾ ಕೋಳಿ ಬಾತುಮುಂತಾದುವನ್ನು ಸಾಕುವುದು, ಮತ್ತು ಒಬ್ಬ ವ್ಯವಸಾಯಗಾರನು ಅಥವಾ ಒಂದು ವ್ಯವಸಾಯದ ಕ್ಷೇತ್ರವನ್ನು ಇಟ್ಟುಕೊಂಡಿರುವವನು (ಗಿಡಮರಗಳನ್ನು ಬೆಳೆಯಿಸುವುದು, ಚೌಬೀನೆ ಮರಗಳನ್ನು ಬೆಳೆಯಿಸುವುದು, ಮಾರಾಟಕ್ಕೆ ಸರಕುಗಳನ್ನು ಸಿದ್ಧಗೊಳಿಸುವುದು, ದಾಸ್ತಾನುಮಾಡಲು ಅಥವಾ ಮಾರಲು ಸರಕುಗಳನ್ನು ಕೊಡುವುದು ಅಥವಾ ವ್ಯವಸಾಯೋತ್ಪನ್ನಗಳನ್ನು ಮಾರಾಟ ಮಾಡುವುದಕ್ಕಾಗಿ ಮಾರಾಟದ ಸ್ಥಳಗಳಿಗೆ ಸಾಗಿಸಲು ಸಿದ್ಧಗೊಳಿಸುವುದು ಇವೆಲ್ಲವೂ ಸೇರಿ) ವ್ಯವಸಾಯ ಕಾರ್ಯಗಳ ಅಥವಾ ವ್ಯವಸಾಯಕ್ಷೇತ್ರದ ಎಂದರೆ "ಅಗ್ರಿಕಲ್ಚರಲ್ ಫಾರಂ" ಕೆಲಸಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾಡಬೇಕಾದ ಅಥವಾ ಅವುಗಳ ಜೊತೆಗೆ ಇಟ್ಟುಕೊಳ್ಳಬೇಕಾದ ಇತರ ಉದ್ಯೋಗಗಳು

ಯಾವ ಆಸ್ಪತ್ರೆಗಳೂ, ಡಿಸ್ಪೆನ್ಸರಿಗಳೂ ಅಥವಾ ಇತರ ವೈದ್ಯ ಸಂಸ್ಥೆಗಳೂ ಗೊತ್ತುಮಾಡಲ್ಪಟ್ಟಿರುತ್ತವೆಯೋ ಆ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ, ಡಿಸ್ಪೆನ್ಸರಿಗಳಲ್ಲಿ ಅಥವಾ ಇತರ ವೈದ್ಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ವೈದ್ಯ ಸಹಾಯವನ್ನೂ ಮತ್ತು ಚಿಕಿತ್ಸೆಯನ್ನೂ ಪಡೆಯುವುದಕ್ಕೆ ಕೂಡ ಅವನಿಗೆ ಹಕ್ಕಿರುತ್ತದೆ.

(b) ಕೆಲಸಕ್ಕೆ ನೇಮಕವಾಗಿರುವ ಹೆಂಗಸರಿಗೆ ಹೆರಿಗೆಯ ಸಂಬಂಧವಾಗಿ ದೊರೆಯುವ ಸೌಕರ್ಯಗಳು.—ಕೆಲಸಕ್ಕೆ ನೇಮಕವಾಗಿರುವ ಹೆಂಗಸರಿಗೆ ಹೆರಿಗೆಗೆ ಮುಂಚೆಯೂ ಮತ್ತು ಅನಂತರವೂ, ಒಟ್ಟು 12 ವಾರಗಳ ಕಾಲ ದಿನಕ್ಕೆ 12 ಆಣೆಗಳಂತೆ ನಗದು ಸಹಾಯವನ್ನು ಪಡೆಯಲು ಹಕ್ಕಿರುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಲಾಗಿದೆ. ಅಲ್ಲದೆ, ಮೇಲೆ ನಮೂದಿಸಿರುವ ವೈದ್ಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ವೈದ್ಯಸಹಾಯವನ್ನೂ ಸಹ, ಅವರು ಈ ಏರ್ಪಾಡಿನ ಪ್ರಕಾರ ಪಡೆಯಬಹುದಾಗಿದೆ.

(c) ಅಪಾಯಕ್ಕೆ ಗುರಿಯಾಗಿ ಅಶಕ್ತತೆ ಪಡೆದವರಿಗೂ ಮತ್ತು ಕೆಲಸಗಾರರು ಪೋಷಿಸಬೇಕಾದ ಆಶ್ರಿತ ವರ್ಗದವರಿಗೂ ಪ್ರಯೋಜನಾಂಶಗಳು.—ಕೆಲಸಗಾರರು ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಕಾಲದಲ್ಲಿ ಜಖಂ ಆಗಿ ಕೆಲಸಕ್ಕೆ ಅಶಕ್ತರಾದರೆ ಅವರಿಗೆ ಕೆಲವು ಸೌಕರ್ಯಗಳು ದೊರೆಯುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದೆ. ಅಶಕ್ತತೆಯು ಎಷ್ಟು ಕಾಲದವರೆಗೂ ಇರುತ್ತದೆಯೋ ಅಷ್ಟು ಕಾಲದವರೆಗೂ ಆ ಸೌಕರ್ಯವು ಅವರಿಗೆ ದೊರೆಯುವುದು; ಅಶಕ್ತತೆಯು ಜೀವಾವಧಿಯವರೆಗೂ ಇರುವುದಾಗಿದ್ದರೆ ಅಲ್ಲಿಯವರೆಗೂ ಅವರಿಗೆ ಸಹಾಯ ದೊರೆಯುವುದು. ಆದರೆ ಎಷ್ಟು ಕಾಲದವರೆಗೆ ಅವರಿಗೆ ಹಾಗೆ ಸಹಾಯ ದೊರೆಯುವುದೆಂಬುದು ಅಶಕ್ತತೆಯ ಸ್ವಭಾವವನ್ನು, ಎಂದರೆ ಅದು ಹಂಗಾಮಿಯಾದುದೇ ಅಥವಾ ಪೂರ್ತಿಯಾಗಿಯೂ ಮತ್ತು ಖಾಯಂ ಆಗಿಯೂ ಇರುವುದಾಗಿದೆಯೇ—ಎಂಬುದನ್ನು ಅವಲಂಬಿಸಿರುವುದು ಹೀಗೆ ಜಖಂಆಗಿ ಅಶಕ್ತತೆಯುಂಟಾಗಿರುವವರಿಗೆ ತಿಂಗಳು ತಿಂಗಳಿಗೂ ಪೆನ್ಷನ್ ಕೊಡಲಾಗುವುದು. ಹಾಗೆ ಕೊಡುವ ಪೆನ್ಷನ್ ಮೊಬಲಗು, ಅವರು ಅಶಕ್ತತೆಗೆ ಗುರಿಯಾದ ವಾರದ ಹಿಂದಿನ 52 ವಾರಗಳಲ್ಲಿ ಪಡೆದಿರುವ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದ ಮೊಬಲಗಿನ ಸರಾಸರಿ ಮೊತ್ತದ ಅರ್ಧ ಮೊಬಲಗಿಗೆ ಸಮವಾಗಿರಬೇಕೆಂದು ಗೊತ್ತಾಗಿದೆ. ಒಂದುವೇಳೆ ಅಶಕ್ತತೆಯು ಸ್ವಲ್ಪಮಟ್ಟಿನ ದೌರ್ಬಲ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದಲ್ಲಿ, ಪೆನ್ಷನ್ ಮೊಬಲಗನ್ನು ಅದಕ್ಕೆ ತಕ್ಕಂತೆ ಕಡಮೆ ಮಾಡಲಾಗುವುದು. ಕೆಲಸ ಮಾಡುವ ಕಾಲದಲ್ಲಿ ಜಖಂ ಆದ ಕೆಲಸಗಾರರು ಅದರ ಪರಿಣಾಮವಾಗಿ ಮೃತಪಟ್ಟ ಸಂದರ್ಭಗಳಲ್ಲಿ ಪೆನ್ಷನ್ ಮೊಬಲಗನ್ನು, ಅವನ ಹೆಂಡತಿಗೆ ಅಥವಾ ಹೆಂಡತಿಯರುಗಳಿಗೆ, ಚಿಕ್ಕವಯಸ್ಸಿನ ("ಮೈನರ್") ಗಂಡು ಮಕ್ಕಳಿಗೆ ಮತ್ತು ಚಿಕ್ಕವಯಸ್ಸಿನ ("ಮೈನರ್") ಮತ್ತು ಮದುವೆಯಾಗಿಲ್ಲದ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಕೊಡುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಿದೆ. ಒಂದುವೇಳೆ ಹಾಗೆ ಮೃತಪಟ್ಟವನಿಗೆ ಹೆಂಡತಿಯೂ ಮತ್ತು ಮಕ್ಕಳೂ ಇಲ್ಲದಿದ್ದಲ್ಲಿ, ಅವನು ಪೋಷಿಸಬೇಕಾಗಿದ್ದ ಆಶ್ರಿತ ವರ್ಗಕ್ಕೆ ಸೇರಿದವರಿಗೆ ಅದನ್ನು ಕೊಡುವಂತೆ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಲಾಗಿದೆ. ಅಷ್ಟೇ ಅಲ್ಲ ಕೆಲಸಗಾರರೂ ಮತ್ತು ಅವರ ಕುಟುಂಬದವರೂ, ಕಾಯಿಲೆ ಬಿದ್ದಾಗ ವೈದ್ಯರು ಅವರಿಗೆ ಚಿಕಿತ್ಸೆ ಮಾಡಿ ನೋಡಿಕೊಳ್ಳುವಂತೆಯೂ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.

ವಿಮೆ ಮಾಡಿರುವ ಕೆಲಸಗಾರರಿಗೆ ಮತ್ತು ಅವರ ಕುಟುಂಬದವರಿಗೆ, ಅವರು ಕಾಯಿಲೆಯಾದಾಗ ವೈದ್ಯರು ಚಿಕಿತ್ಸೆ ಮಾಡಿ ನೋಡಿಕೊಳ್ಳುವ ಸೌಕರ್ಯವನ್ನು ಸರ್ಕಾರದವರೇ ಒದಗಿಸುವರು. ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ ಗೊತ್ತುಮಾಡುವ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿಯೂ ಡಿಸ್ಪೆನ್ಸರಿಗಳಲ್ಲಿಯೂ ಮತ್ತು ಇತರ ವೈದ್ಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿಯೂ ಅವರಿಗೆ ಈ ಸೌಕರ್ಯವು ದೊರೆಯುವುದು. ಹೀಗೆ ಕೊಡುವ ವೈದ್ಯ ಸಹಾಯಕ್ಕಾಗಿ ತಗಲುವ ವೆಚ್ಚಕ್ಕೆ ಬೇಕಾಗುವ ಮೊಬಲಗನ್ನು ಸರ್ಕಾರದವರೂ ಮತ್ತು ಸಾಂಘಿಕ ವ್ಯವಸ್ಥೆಯವರೂ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರೂ) ಅವರವರು ಒಪ್ಪಿಕೊಂಡಿರುವ ದಾಮಾಷಾಗಳಲ್ಲಿ ಒದಗಿಸುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವನ್ನು ರಚಿಸಲಾಗಿದೆ.

ಈ ವಿಮಾ ಸಂಬಂಧವಾಗಿ ಒದಗುವ ವಿವಾದಗಳನ್ನು ತೀರ್ಮಾನಿಸುವುದಕ್ಕಾಗಿಯೂ ಮತ್ತು ಕೆಲಸಗಾರರು ಮಾಡಿಕೊಳ್ಳುವ ಹಕ್ಕುಸಾಧನೆ ಮನವಿಗಳ ವಿಷಯವನ್ನು ಇತ್ಯರ್ಥಪಡಿಸುವುದಕ್ಕಾಗಿಯೂ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ "ಸ್ಟೇಟ್ ಇನ್ಷ್ಯೂರೆನ್ಸ್ ಕೋರ್ಟು"ಗಳೆಂಬ ವಿಮಾ ಕೋರ್ಟುಗಳನ್ನು ಏರ್ಪಡಿಸುವುದಕ್ಕೂ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದೆ. ಈ ಕೋರ್ಟುಗಳಿಗೆ ನ್ಯಾಯಾಧೀಶರನ್ನು ನೇಮಕ ಮಾಡಿ ಕೋರ್ಟುಗಳನ್ನು ನಡೆಯಿಸುವುದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು ವಿಮಾ ನಿಧಿಯಿಂದ (ಎಂದರೆ ಇನ್ಷ್ಯೂರೆನ್ಸ್ ಫಂಡಿನಿಂದ) ಒದಗಿಸಲಾಗುವುದು.

ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳಿಗಾಗಿ, ಸರ್ಕಾರದವರು ತಕ್ಕ ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸುವಂತೆ ಗೊತ್ತಾಗಿದೆ. ಎಂದರೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಸದಸ್ಯರುಗಳ, ಖಾಯಂ ಸಮಿತಿಯ (ಸ್ಥಾಯಿ ಸಮಿತಿಯ) ಸದಸ್ಯರುಗಳ ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ (ಎಂದರೆ "ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್

ಕೌನ್ಸಿಲ್'') ಸದಸ್ಯರ ಚುನಾವಣೆ ಮತ್ತು ನೇಮಕ; ಮುಖ್ಯ ಆಫೀಸರುಗಳ ಅಧಿಕಾರಗಳು ಮತ್ತು ಕರ್ತವ್ಯಗಳು; ಸಾಲಗಳನ್ನು ಎತ್ತುವುದು; ಹಣಗಳನ್ನು ಲಾಭದಾಯಕವಾಗಿ ವಿನಿಯೋಗಿಸುವುದು; ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಇಡಬೇಕಾದ ಲೆಕ್ಕಗಳು; ಅವುಗಳ ತನಿಖೆ ಮತ್ತು ಪ್ರಕಟಣೆ; ಇವೇ ಮುಂತಾದ ಆಡಳಿತ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸರ್ಕಾರದವರು ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸಲು ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದೆ. ಅಲ್ಲದೆ, ಸರ್ಕಾರದವರು, ಈ ಆಕ್ಟಿನಮೇರೆಗೆ ಏರ್ಪಡಿಸಬೇಕಾಗಿರುವ ಕೆಲಸಗಾರರ ವಿಮಾ ಕೋರ್ಟುಗಳಿಗೂ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಗೊತ್ತುಮಾಡಬೇಕಾದ ಆಸ್ಪತ್ರೆಗಳು, ಡಿಸ್ಪೆನ್ಸರಿಗಳು, ಮತ್ತು ವೈದ್ಯ ಸಂಸ್ಥೆಗಳೇ ಮುಂತಾದುವುಗಳಿಗೂ ಮತ್ತು ವಿಮಾ ಮಾಡಿರುವ ಜನಗಳಿಗೆ ವೈದ್ಯಸಹಾಯದ ಸೌಕರ್ಯವನ್ನು ಯಾವ ಪ್ರಮಾಣದಲ್ಲಿ (ಎಂದರೆ ಯಾವ ಸ್ಕೇಲಿನಲ್ಲಿ) ಒದಗಿಸಬೇಕೆಂಬುದಕ್ಕೂ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳಲ್ಲಿಯೂ ಸಹ, ಸರ್ಕಾರದವರು ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸಲು ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಪ್ರಕಾರ ಅವಕಾಶವಿದೆ. ಈ ಯೋಜನೆಯ ಮೇರೆಗೆ ಕೆಲಸ ನಡೆಯುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳಲ್ಲಿ—ಎಂದರೆ, ಸಹಾಯ ದ್ರವ್ಯಗಳನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳನ್ನು) ವಸೂಲ್ಮಾಡಿ ಶೇಖರಿಸುವುದು, ಕೆಲಸಗಾರರಿಗೆ ದೊರೆಯುವಂತೆ ವಿಧಾಯಕವಾಗಿರುವ ಸೌಕರ್ಯಗಳು ಅವರಿಗೆ ದೊರೆಯುವಂತೆ ಮಾಡುವುದು, ಯಜಮಾನರುಗಳೂ ತಾವು ನೇಮಕಮಾಡಿಕೊಂಡಿರುವ ಕೆಲಸಗಾರರ ವಿಷಯದಲ್ಲಿ ಒಪ್ಪಿಸಬೇಕಾಗಿರುವ ಲೆಕ್ಕಗಳೂ ಮತ್ತು ಇತರ ವಿವರಗಳು ಯಾವುವೆಂಬುದನ್ನು ಗೊತ್ತುಮಾಡುವುದು, ವಿಮೆಮಾಡಿರುವ ಕೆಲಸಗಾರರಲ್ಲಿ ವಿಧಾಯಕವಾದ ಸೌಕರ್ಯಗಳನ್ನು ಪಡೆಯುತ್ತಿರುವವರು ಯಾವ ಷರತ್ತುಗಳನ್ನು ಅನುಸರಿಸಿ ನಡೆಯಬೇಕೆಂಬುದನ್ನು ಗೊತ್ತುಮಾಡುವುದು, ಇವೇ ಮುಂತಾದ ವಿಷಯಗಳಲ್ಲಿ—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ನಿರೂಪಣೆಗಳನ್ನು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳನ್ನು) ರಚಿಸಿ ವಿಧಾಯಕ ಮಾಡುವುದಕ್ಕೂ ಮಸೂದಾಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.

18. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಕೆಲಸಗಾರರ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನು.

ಕೆಲಸಗಾರರಿಗೆ ಖಾಯಿಲೆ, ಹೆರಿಗೆ, ಮತ್ತು ಉದ್ಯೋಗದ ಜಖಮು—ಇವುಗಳು ಸಂಭವಿಸಿದಾಗ್ಗೆ ಕೆಲವು ಅನುಕೂಲಗಳನ್ನೊದಗಿಸುವುದೂ ಮತ್ತು ಅವುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಇತರ ಕೆಲವು ವಿಷಯಗಳಿಗೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿಕೊಡುವುದೂ ಯುಕ್ತವಾಗಿರುವುಧರಿಂದ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಈ ಮೂಲಕ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ.—

Iನೆಯ ಅಧ್ಯಾಯ

ಪೀಠಿಕಾ ಭಾಗ.

1. ಚಿಕ್ಕಹೆಸರು, ವ್ಯಾಪ್ತಿ, ಪ್ರಾರಂಭ ಮತ್ತು ಅನ್ವಯ—

(1) ಈ ಆಕ್ಟನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಕೆಲಸಗಾರರ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1948ನೆಯ ಇಸವಿಯ ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು.

(2) ಇದು ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆಲ್ಲ ಅನ್ವಯಿಸುತ್ತದೆ.

(3) ಇದು, ಸರ್ಕಾರದವರು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ಮೂಲಕ ಗೊತ್ತುಮಾಡಬಹುಧಾದಂಥ ತಾರೀಖು ಅಥವಾ ತಾರೀಖುಗಳಲ್ಲಿ ಜಾರಿಗೆ ಬರತಕ್ಕದು ಮತ್ತು ಈ ಆಕ್ಟಿನ ಬೇರೆ ಬೇರೆ ನಿಯಮಗಳು ಜಾರಿಗೆ ಬರುವುದಕ್ಕಾಗಿ ಬೇರೆ ಬೇರೆ ತಾರೀಖುಗಳನ್ನು ಗೊತ್ತುಮಾಡಬಹುದು.

(4) ಇದು, ಪ್ರಥಮತಃ, ಕೆಲವು ಕಾಲಗಳಲ್ಲಿ ಮಾತ್ರ ಕೆಲಸ ಮಾಡುವ ಕಾರ್ಖಾನೆಗಳಲ್ಲದೆ (ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿರತಕ್ಕ ಕಾರ್ಖಾನೆಗಳೂ ಸೇರಿ) ಉಳಿದ ಎಲ್ಲ ಕಾರ್ಖಾನೆಗಳಿಗೂ ಅನ್ವಯಿಸುತ್ತದೆ.

(5) ಸರ್ಕಾರದವರು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ ಈ ಆಕ್ಟಿನ ಎಲ್ಲ ನಿಯಮಗಳನ್ನು ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಕಲವು ನಿಯಮಗಳನ್ನು ಕೈಗಾರಿಕೆ, ವಾಣಿಜ್ಯ, ವ್ಯವಸಾಯ ಅಥವಾ ಇತರ ಯಾವುದಾದರೂ ಬೇರೆ ಕೆಲಸಗಾರರ ವ್ಯವಸ್ಥೆಗೆ ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳ ಯಾವುದಾದರೂ ತರಗತಿಗೆ ಅನ್ವಯಿಸುವುದಾಗಿ ಉದ್ದೇಶಿಸಿದರೆ, ಆ ಉದ್ದೇಶವನ್ನು ಕುರಿತು ತಿಳಿವಳಿಕೆ ಕೊಡುವ ಒಂದು ಇಸ್ತಿಹಾರ್ನಾಮೆಯು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸಲ್ಪಟ್ಟ ಆರು ತಿಂಗಳುಗಳ ತರುವಾಯ ಆ ರೀತಿ ಮಾಡಬಹುದು.

2. ಅರ್ಥವಿವರಣೆಗಳು.—ಈ ಆಕ್ಟಿನಲ್ಲಿ ವಿಷಯದಲ್ಲಾಗಲಿ ಅಥವಾ ಪ್ರಮೆಯದಲ್ಲಾಗಲಿ ವಿರುದ್ಧವಾದುದೇನಾದರೂ ಇದ್ದ ಹೊರತು,—

(1) "ಅನುಕೂಲ್ಯ ಅವಧಿ" ಸಂಬಂಧವಾದ ಎಂದರೆ, "ಕಂಟ್ರಿಬ್ಯೂಷನ್" ಅವಧಿಯನ್ನು ಹೋಲುವಂಥ ಅನುಕ್ರಮವಾಗಿರತಕ್ಕ ಇಪ್ಪತ್ತಾರು ವಾರಗಳು ಅಥವಾ ಅನುಕ್ರಮವಾಗಿ ಬರುವ ಆರು ತಿಂಗಳುಗಳು ಅಥವಾ ಅನುಕೂಲವನ್ನು ಪಡೆಯುವ ಮೊದಲನೆಯ ಅವಧಿಯ ವಿಷಯದಲ್ಲಾದರೆ, ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ ನಮೂದಿಸಬಹುದಾದಂಥ ಹೆಚ್ಚಿನ ಅಥವಾ ಕಡಮೆಯಾದ ಅವಧಿ ಎಂದು ಅರ್ಥ.

(2) "ಹೆರಿಗೆಯಾಗುವುದು" ಎಂದರೆ ಜೀವಂತವಾದ ಮಗು ಹುಟ್ಟಿದ ಹೆರಿಗೆ ಅಥವಾ ಗರ್ಭಿಣಿಯಾದ ತರುವಾಯ ಇಪ್ಪತ್ತಾರು ವಾರಗಳು ಕಳೆದ ತರುವಾಯ ಸಜೀವವಾಗಿ

ಅಥವಾ ನಿರ್ಜೀವವಾಗಿ ಮಗುವು ಹುಟ್ಟುವುದರಲ್ಲಿ ಪರಿಣಾಮವಾಗುವಂಥ ಹೆರಿಗೆ ಎಂದು ಅರ್ಥ:

(3) ಸಹಾಯ ದ್ರವ್ಯ ("ಕಂಟ್ರಿಬ್ಯೂಷರ್') ಎಂದರೆ ಕೆಲಸಗಾರರನ್ನು ನೇಮಿಸಿ ಕೊಂಡಿರತಕ್ಕ ಮುಖ್ಯ ಯಜಮಾನನು ಒಬ್ಬ ಕೆಲಸಗಾರನ ಸಂಬಂಧವಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ಕೊಡುವ ಹಣದ ಮೊಬಲಗು ಎಂದು ಅರ್ಥ ಮತ್ತು ಇದರಲ್ಲಿ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಕೆಲಸಗಾರನಿಂದ ಅಥವಾ ಕೆಲಸಗಾರನ ಪರವಾಗಿ ಕೊಡ ಲ್ಪಡತಕ್ಕ ಯಾವುದಾದರೂ ಮೊಬಲಗೂ ಸೇರಿರುತ್ತದೆ.

(4) "ಸಹಾಯದ್ರವ್ಯದ ಅವಧಿ" (ಕಂಟ್ರಿಬ್ಯೂಷರ್ ಅವಧಿ") ಎಂದರೆ ಅನುಕ್ರಮ ವಾಗಿಬರತಕ್ಕ ಇಪ್ಪತಾರುವಾರಗಳು ಅಥವಾ ಅನುಕ್ರಮವಾಗಿ ಬರತಕ್ಕ ಆರು ತಿಂಗಳುಗಳ ಅವಧಿ, ಅಥವಾ ಮೊದಲನೆಯ "ಸಹಾಯ ದ್ರವ್ಯದ ಅವಧಿಯ" (ಎಂದರೆ "ಕಂಟ್ರಿಬ್ಯೂಷರ್" ಅವಧಿಯು) ವಿಷಯದಲ್ಲಾದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ ನಮೂದಿಸಬಹುದಾದಂಥ ಹೆಚ್ಚಿನ ಅಥವಾ ಕಡಿಮೆಯಾದ ಅವಧಿ ಎಂದು ಅರ್ಥ;

(5) "ಸಾಂಘಿಕ ಸಂಸ್ಥೆ" ("ಕಾರ್ಪೊರೇಷರ್") ಎಂದರೆ, ಮೈಸೂರು ಸಂಸ್ಥಾನ ದಲ್ಲಿ ಕೆಲಸಗಾರರ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ನಿರ್ಮಿತವಾದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆ ಎಂದು ಅರ್ಥ;

(6) "ಕ್ರಮವಾಗಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟ" ಎಂದರೆ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗನುಸಾರ ವಾಗಿ ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ರಚಿತವಾದ ನಿಬಂಧನೆಗಳಿಗೂ ಮತ್ತುರೇಗ್ಯುಲೇಷನುಗಳಿಗೂ ಅನುಸಾರವಾಗಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟ—ಎಂದು ಅರ್ಥ.

(7) "ಉದ್ಯೋಗದ ಜಖಮು" ಎಂದರೆ ಒಬ್ಬ ಕೆಲಸಗಾರನು (1928ನೆಯ ಇಸ ವಿಯ XIVನೆಯ ನಂಬರು ಆಕ್ಟಾದ) ಕೆಲಸಗಾರರಿಗೆ ಪರಿಹಾರವನ್ನು ಕೊಡುವುದಕ್ಕೆ ಸಂಬಂಧ ಪಟ್ಟ 1928ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ ಅರ್ಥದಲ್ಲಿ ಕೆಲಸಗಾರನಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಯಾವ ಜಖಮು ಅಥವಾ ವೃತ್ತಿ ನಿಮಿತ್ತವಾದ ಕಾಯಿಲೆಯು ಅವನಿಗೆ ಸಂಭವಿಸಿದ್ದರೆ ಆ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅವ ನಿಗೆ ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನು ಪಡೆಯುವ ಹಕ್ಕು ಲಭಿಸುತ್ತಿದ್ದಿತೋ ಅದೇ ಜಖಮು ಅಥವಾ ವೃತ್ತಿ ನಿಮಿತ್ತವಾದ ಕಾಯಿಲೆಯು, ಈ ಆಕ್ಟು ಅನ್ವಯಿಸುವಂಥ ಒಂದು ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ಸಿಬ್ಬಂದಿಯಲ್ಲಿ ಒಬ್ಬ ಕೆಲಸಗಾರನು ಅಲ್ಲಿ ಕೆಲಸಮಾಡುವುದರಿಂದ ಮತ್ತು ಅಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವಾಗ್ಗೆ ಅವನಿಗೆ ಸಂಭವಿಸಿದಲ್ಲಿ ಆ ಜಖಮು ಅಥವಾ ಆ ಕಾಯಿಲೆ–ಎಂದು ಅರ್ಥ.

(8) "ಕೆಲಸಗಾರ" ಎಂದರೆ ಈ ಆಕ್ಟು ಅನ್ವಯಿಸುವ ಕಾರ್ಖಾನೆಯಲ್ಲಾಗಲಿ ಅಥವಾ ಒಂದು ವ್ಯವಸ್ಥೆಯಲ್ಲಾಗಲಿ, ನಡೆಯುವ ಕೆಲಸದ ಸಂಬಂಧದಲ್ಲಿ ಕೂಲಿ ಅಥವಾ ಸಂಬಳ ಕ್ಕಾಗಿ ನೇಮಕವಾಗಿರುವಂಥ ಮತ್ತು—

(i) ಆ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಅವನು ಕೆಲಸಮಾಡಲಿ ಅಥವಾ ಬೇರೆ ಸ್ಥಳದಲ್ಲಿ ಅವನು ಕೆಲಸಮಾಡಲಿ ಆ ಕಾರ್ಖಾನೆಯು ಅಥವಾ ವ್ಯವಸ್ಥೆ ಯ ಯಾವುದಾದರೂ ಕೆಲಸದ ಮೇಲೆ, ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅಥವಾ ಪೂರ್ವಭಾವಿಯಾದಂತೆ ಅಥವಾ ಸೇರಿದಂತೆ ಇರುವ ಕೆಲಸದ ಸಂಬಂಧದಲ್ಲಿ ಮುಖ್ಯ ಯಜಮಾನನಿಂದ ನೇರವಾಗಿ ನೇಮಕವಾಗಿರುವಂಥ:

(ii) ಕಾರ್ಖಾನೆಯ ಅಥವಾ ವ್ಯವಸ್ಥೆಯ ವಠಾರದಲ್ಲಿಯೇ ಇದ್ದು ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ (ಮುಖ್ಯ ಯಜಮಾನನಲ್ಲದ) ಯಜಮಾನನಿಂದ ಅಥವಾ ಅವನ ಮೂಲಕ ನೇಮಕವಾಗಿರುವಂಥ, ಅಥವಾ ಸರ್ವೇಸಾಧಾರಣ ವಾಗಿ ಆ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ಆ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ನಡೆಯುವ ಕೆಲಸದ ಒಂದು ಭಾಗವಾಗಿರುವ ಕೆಲಸದ ಮೇಲಾಗಲಿ, ಅಥವಾ ಆ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ಆ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ನಡೆಯುವ ಕೆಲಸಕ್ಕೆ ಪೂರ್ವಬಾವಿಯಾಗಿ ನಡೆಯ ತಕ್ಕ ಅಥವಾ ಆ ಕಾರ್ಖಾನೆಯ ಅಥವಾ ಆ ವ್ಯವಸ್ಥೆಯ ಉದ್ದೇಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟು ನಡೆಯತಕ್ಕ ಕೆಲಸದ ಮೇಲಾಗಲಿ ಮುಖ್ಯ ಯಜಮಾನನ ಅಥವಾ ಅವನ ಮುತಾಲಿಕನ ("ಏಜೆಂಟ') ಮೇಲ್ವಿಚಾರಣೆಯಲ್ಲಿ ನೇಮಕ ವಾಗಿರುವಂಥ;

(iii) ತನ್ನೊಡನೆ ಕೆಲಸದ ಕಂಟ್ರಾಕ್ಟು ಒಪ್ಪಂದ ಮಾಡಿಕೊಂಡಿರುವಾತನಿಂದ ಮುಖ್ಯ ಯಜಮಾನನಲ್ಲಿ ಕೆಲಸಮಾಡುವುದಕ್ಕೋಸ್ಕರ ಎರವಲಾಗಿ ಅಥವಾ ಹಣ ಸಂದಾಯದ ಷರತ್ತಿನ ಮೇಲೆ ಕಳುಹಿಸಲ್ಪಟ್ಟಿರುವಂಥ

ಯಾವನಾದರೂ ಮನುಷ್ಯನೆಂದು ಅರ್ಥ. ಆದರೆ, ಈ ಅರ್ಥವಿವರಣೆಯಲ್ಲಿ ಈ ಕೆಳಗೆ ಕಂಡವರು ಸೇರಿರುವುದಿಲ್ಲ. ಅವರು ಯಾರುಯಾರೆಂದರೆ.—

(a) ಬ್ರಿಟಿಷ್ ಪ್ರಭುಗಳ ನೌಕಾದಳ, ಸೈನ್ಯದಳ ಅಥವಾ ವಿಮಾನ ದಳಕ್ಕೆ ಸೇರಿದ ಅಥವಾ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸೈನ್ಯದಳಗಳಿಗೆ ಸೇರಿದ ಯಾರೊಬ್ಬರು ಅಥವಾ

(b) ತಿಂಗಳಿಗೆ ಒಟ್ಟಿನಲ್ಲಿ ನಾನೂರು ರೂಪಾಯಿಗಳಿಗಿಂತಲೂ ಹೆಚ್ಚಾದ ವೇತನದ ಮೇಲೆ ನೇಮಕವಾಗಿರುವ ಯಾವನಾದರೂ ಮನುಷ್ಯ;

(9) "ವಿನಾಯಿತಿ ಕೊಡಲ್ಪಟ್ಟ ಕೆಲಸಗಾರ" ಎಂದರೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸ ಗಾರನು ಕೊಡಬೇಕಾದ "ಕಂಟ್ರಿಬ್ಯೂಷರ್" ಮೊಬಲಗನ್ನು ಕೊಡಬೇಕಾದ ಒದ್ಧತೆಯಿಲ್ಲದ ಕೆಲಸಗಾರ ಎಂದು ಅರ್ಥ;

(10) "ಕುಟುಂಬ" ಎಂದರೆ ವಿಮೆಮಾಡಿರತಕ್ಕ ಮನುಷ್ಯನ ಅವಲಂಬನದಲ್ಲಿ ರುವ ಅವನ ಹೆಂಡತಿ, (ವಿಮೆಮಾಡಿರುವವರು ಮಹಿಳೆಯಾಗಿರುವ ಪಕ್ಷದಲ್ಲಿ ಕಾನೂನು ಬದ್ಧ

ವಾದ ಆಕೆಯ ಗಂಡ) ಮತ್ತು ವಿಮೆಮಾಡದಿರುವವರ ಪ್ರಾಪ್ತ ವಯಸ್ಕರಲ್ಲದ ಔರಸ ಸಂತಾನ ಮತ್ತು ದತ್ತು ಸಂತಾನ ;

(11) "ಕಾರ್ಖಾನೆ" ಎಂದರೆ ಇಪ್ಪತ್ತು ಅಥವಾ ಅದಕ್ಕೆ ಮೇಲ್ಪಟ್ಟ ಸಂಖ್ಯೆಯ ಜನರು ಕೆಲಸಮಾಡುತ್ತಿರುವ ಅಥವಾ ಹಿಂದಿನ ಹನ್ನೆರಡು ತಿಂಗಳಲ್ಲಿ ಯಾವ ದಿನದಲ್ಲಿಯೇ ಆಗಲಿ ಅಷ್ಟು ಸಂಖ್ಯೆಯ ಜನರು ಕೆಲಸಮಾಡುತ್ತಿದ್ದ ಸ್ಥಳವೂ ಸೇರಿ ಯಾವ ವಠಾರದ ಯಾವುದೊಂದು ಭಾಗದಲ್ಲಿ ಯಂತ್ರಶಕ್ತಿಯ ಸಹಾಯದಿಂದ ವಸ್ತು ತಯಾರಿಕೆ, ಕೆಲಸವು ನಡೆಯಿಸಲ್ಪಡುತ್ತಿದೆಯೋ ಅಥವಾ ಸಾಮಾನ್ಯವಾಗಿ ನಡೆಯುತ್ತದೆಯೋ ಅಂಥ ವಠಾರವೆಂದು ಅರ್ಥ, ಆದರೆ ಇದರಲ್ಲಿ (1906ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ) ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗಣಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟು ಅನ್ವಯಿಸುವ ಒಂದು ಗಣಿಯು ಸೇರಿರುವುದಿಲ್ಲ ;

"ಕೆಲವು ಕಾಲಗಳಲ್ಲಿ ನಡೆಯತಕ್ಕ ಕಾರ್ಖಾನೆ" ಎಂದರೆ ಈ ಮುಂದೆ ಸೂಚಿತವಾದ ತಯಾರಿಕೆ ಕಾರ್ಯಗಳಲ್ಲಿ ಒಂದನ್ನಾಗಲಿ ಅಥವಾ ಹೆಚ್ಚು ಸಂಖ್ಯೆಯವುಗಳನ್ನಾಗಲಿ ನಡೆಯಿಸುವುದರಲ್ಲಿ ಮಾತ್ರವೇ ಉದ್ಯುಕ್ತವಾಗಿ ಕೆಲಸಮಾಡತಕ್ಕ ಕಾರ್ಖಾನೆ ಎಂದು ಅರ್ಥ. ಆ ತಯಾರಿಕೆ ಕಾರ್ಯಗಳು ಯಾವುವೆಂದರೆ.—ಹತ್ತಿ ಬಿಡಿಸುವುದು, ಹತ್ತಿ ಅಥವಾ ಸೆಣಬನ್ನು ಒತ್ತಿ ಬೇಲು ಕಟ್ಟುವುದು, ಕಡಲೆಕಾಯಿ ಸಿಪ್ಪೆ ಬಿಡಿಸುವುದು, ಕಾಫೀ. ನೀಲಿ, ಅರಗು, ರಬ್ಬರು, (ಬೆಲ್ಲವೂ ಸೇರಿ) ಸಕ್ಕರೆ, ತೇಯೆಲೆ—ಇವುಗಳನ್ನು ತಯಾರು ಮಾಡುವುದು, ಅಥವಾ ಮೇಲೆಕಂಡ ತಯಾರಿ ವಿಧಾನದ ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ಅನುಷಂಗಿಕವಾದ ಅಥವಾ ಸಂಬಂಧಪಟ್ಟ ಯಾವುದಾದರೂ ತಯಾರಿಯ ವಿಧಾನದ ಕಾರ್ಯಕ್ರಮವನ್ನು ಕೈಕೊಳ್ಳುವುದು ;

"ತಯಾರಿಕೆ ವಿಧಾನ" ಮತ್ತು "ಯಂತ್ರ ಶಕ್ತಿ" ಎಂಬ ಪದಗಳಿಗೆ 1936ನೆಯ ಇಸವಿಯ Iನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ) ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನಲ್ಲಿ ಅವುಗಳಿಗೆ ಕ್ರಮವಾಗಿ ಕೊಡಲ್ಪಟ್ಟಿರುವ ಅರ್ಥವಿವರಣೆಗಳೇ ಅನ್ವಯಿಸತಕ್ಕದು ;

(12) "ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನ" ಎಂದರೆ, ಅಂಥವನಿಂದ ಅಥವಾ ಅಂಥವನ ಮೂಲಕ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರರ ಸಂಬಂಧದಲ್ಲಿ ಈ ಆಕ್ಟು ಅನ್ವಯಿಸುವ ಕಾರ್ಖಾನೆ ಅಥವಾ ವ್ಯವಸ್ಥೆಯ ವಠಾರದಲ್ಲಿ, ಅಥವಾ ಮುಖ್ಯ ಯಜಮಾನನ ಅಥವಾ ಅವನ ಮುತಾಲಿಕನ ("ಏಜೆಂಟ್") ಮೇಲ್ವಿಚಾರಣೆಗೊಳಪಟ್ಟು ಮುಖ್ಯ ಯಜಮಾನನ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ನಡೆಯುವ ಕೆಲಸದ ಅಥವಾ ಸದರಿ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ನಡೆಯುವ ಕೆಲಸಕ್ಕೆ ಪೂರ್ವಭಾವಿಯಾಗಿ ಅಥವಾ ಅದರ ಉದ್ದೇಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನಡೆಯಬೇಕಾದ ಕೆಲಸದ ಒಂದು ಭಾಗದ ಕೆಲಸವಾಗಿರುವ ಕಾರ್ಯವನ್ನು ಪೂರ್ತಿಯಾಗಿಯೇ ಆಗಲಿ ಅಥವಾ ಅದರ ಯಾವುದಾದರೂ ಭಾಗವನ್ನೇ ಆಗಲಿ, ನಿರ್ವಹಿಸಲು ಕೈಕೊಂಡಿರುವ ಮನುಷ್ಯ ಎಂದು ಅರ್ಥ; ಮತ್ತು ಇದರಲ್ಲಿ, ಯಾವ ಮನುಷ್ಯನು ತನ್ನೊಡನೆ ಕಂಟ್ರಾಕ್ಟು ಒಪ್ಪಂದ ಮಾಡಿಕೊಂಡಿರುವ ಒಬ್ಬ ಕೆಲಸಗಾರನನ್ನು ಮುಖ್ಯ ಯಜಮಾನನ ಬಳಿಯಲ್ಲಿ ಎರವಲಾಗಿ ಅಥವಾ ಸಂಬಳದ ಮೇಲೆ ಕೆಲಸ ಮಾಡಲು ಹಂಗಾಮಿಯಾಗಿ ಕಳುಹಿಸಿರುತ್ತಾನೋ ಆ ಮನುಷ್ಯನೂ ಸೇರಿರುತ್ತಾನೆ.

(13) "ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಮನುಷ್ಯ" ಎಂದರೆ ಕೆಲಸಗಾರನಾಗಿರುವ ಅಥವಾ ಕೆಲಸಗಾರನಾಗಿದ್ದ ಮತ್ತು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ "ಕಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಸಲ್ಲುತ್ತಿರುವ ಅಥವಾ ಸಲ್ಲುತ್ತಿದ್ದ ಮತ್ತು ಆ ಕಾರಣದಿಂದ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ದೊರೆಯತಕ್ಕ ಯಾವ ಸೌಕರ್ಯಗಳಿಗಾದರೂ ಹಕ್ಕುಳ್ಳವನಾಗಿರುವ ಮನುಷ್ಯ—ಎಂದು ಅರ್ಥ.

(14) ಕಾರ್ಖಾನೆಯ "ಸ್ವಾಧೀನದಲ್ಲಿರುವವನು" ಎಂಬ ಪದಕ್ಕೆ (1936ನೆಯ ಇಸವಿಯ Iನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ) ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಅರ್ಥ ವಿವರಣೆಯೇ ಅನ್ವಯಿಸತಕ್ಕದು.

(15) "ವಿಧಾಯಕವಾದ" ಎಂದರೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ರಚಿತವಾದ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ ವಿಧಾಯಕವಾದ—ಎಂದು ಅರ್ಥ.

(16) "ಮುಖ್ಯ ಯಜಮಾನ" ಎಂದರೆ,—

(i) ಒಂದು ಕಾರ್ಖಾನೆಯ ವಿಷಯದಲ್ಲಾದರೆ ಆ ಕಾರ್ಖಾನೆಯ ಮಾಲೀಕ ಅಥವಾ ಅದರ ಸ್ವಾಧೀನದಲ್ಲಿರುವವನೆಂದು ಅರ್ಥ ; ಈ ಅರ್ಥದಲ್ಲಿ ಅದರ ಮಾಲೀಕನ ಅಥವಾ ಅದರ ಸ್ವಾಧೀನದಲ್ಲಿರುವವನ ಮ್ಯಾನೇಜಿಂಗ್ ಏಜಂಟರೂ, ಮಾಲೀಕನು ಅಥವಾ ಸ್ವಾಧೀನದಲ್ಲಿರುವವನು ಗತಿಸಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆತನ ನ್ಯಾಯ ಸಮ್ಮತ ಪ್ರತಿನಿಧಿಯೂ ಮತ್ತು 1336ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾರ್ಖಾನೆಗಳ ಆಕ್ಟಿನ (1936ನೆಯ ಇಸವಿಯ Iನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ) 9ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಸೇರಿದ (1)ನೆಯ ಒಳಪ್ರಕರಣದ (e) ಕ್ಲಾಜಿನ ಮೇರೆಗೆ ಯಾರಾದರೂ ಆ ಕಾರ್ಖಾನೆಯ ಮ್ಯಾನೇಜರೆಂಬುದಾಗಿ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆ ರೀತಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟ ಮನುಷ್ಯನೂ ಸೇರಿರುತ್ತಾನೆ ;

(ii) ಸರ್ಕಾರದ ಯಾವುದಾದರೂ ಇಲಾಖೆಯ ಹತೋಟಿಗೊಳಪಟ್ಟ ಯಾವುದಾದರೂ ವ್ಯವಸ್ಥೆಯ ವಿಷಯದಲ್ಲಾದರೆ ಈ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರದವರಿಂದ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಿ, ಅಥವಾ ಆರೀತಿಯಲ್ಲಿ ಯಾವ ಅಧಿಕಾರಿಯೂ ನೇಮಕ ಮಾಡಲ್ಪಡದೆ ಹೋಗಿದ್ದಲ್ಲಿ ಆ ಇಲಾಖೆಯ ಮೊಖ್ತೇಸರರು ಎಂದು ಅರ್ಥ ;

(iii) ಇತರ ಯಾವುದಾದರೂ ವ್ಯವಸ್ಥೆಯ ವಿಷಯದಲ್ಲಾದರೆ, ಆ ವ್ಯವಸ್ಥೆಯ ಮೇಲ್ವಿಚಾರಣೆ ಮತ್ತು ಹತೋಟಿಯ ವಿಷಯದಲ್ಲಿ ಜವಾಬ್ದಾರನಾಗಿರತಕ್ಕ ಯಾವನಾದರೂ ಮನುಷ್ಯ ಎಂದು ಅರ್ಥ.

(17) "ನಿರೂಪಣೆ" ("ರೆಗ್ಯುಲೇಷನು") ಎಂದರೆ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಿಂದ) ಜಾರಿಮಾಡಲ್ಪಟ್ಟ ನಿರೂಪಣೆ (ರೆಗ್ಯುಲೇಷನು) ಎಂದು ಅರ್ಥ.

(18) "ಷೆಡ್ಯೂಲು" ಎಂದರೆ, ಈ ಆಕ್ಟಿಗೆ ಸೇರಿರತಕ್ಕ ಷೆಡ್ಯೂಲು ಎಂದು ಅರ್ಥ.

(19) "ಕಾಯಿಲೆ" ಎಂದರೆ ವೈದ್ಯ ಸಂಬಂಧವಾದ ಚಿಕಿತ್ಸೆಯು ಬೇಕಾಗಿರತಕ್ಕ ಮತ್ತು ವೈದ್ಯರು ನೋಡಿಕೊಳ್ಳಬೇಕಾಗಿರತಕ್ಕ ಮತ್ತು ಅನಾರೋಗ್ಯಸಂಬಂಧವಾದ ವೈದ್ಯಕೀಯ ಕಾರಣಗಳಿಗಾಗಿ ಕೆಲಸಕ್ಕೆ ಗೈರುಹಾಜರಾಗಬೇಕಾದುದು ಆವಶ್ಯಕವಾಗಿರತಕ್ಕ ಸ್ಥಿತಿ ಎಂದು ಅರ್ಥ.

(20) "ತಾತ್ಕಾಲಿಕ ದೌರ್ಬಲ್ಯ" ಎಂದರೆ ಒಬ್ಬ ಕೆಲಸಗಾರನು ಮಾಡತಕ್ಕ ಕಾಲದಲ್ಲಿ ಉಂಟಾದ ಉದ್ಯೋಗ ಸಂಬಂಧದ ಜಖಮಿನಿಂದ ಅವನು ವೈದ್ಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆಯಬೇಕಾಗಿ ಬಂದಿರುವ ಮತ್ತು ಆ ಜಖಮಿನ ಪರಿಣಾಮವಾಗಿ ಅವನು ಕೆಲಸಮಾಡಲು ತಾತ್ಕಾಲಿಕವಾಗಿ ಅಸಾಮರ್ಥ್ಯವುಂಟಾಗಿರುವ ಸ್ಥಿತಿ—ಎಂದು ಅರ್ಥ.

(21) "ಕೂಲಿ ಅಥವಾ ಸಂಬಳ" ಎಂದರೆ ಸ್ಪಷ್ಟವಾಗಿಯೇ ಆಗಲಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿ ಸೂಚಿತವಾಗಿಯೇ ಆಗಲಿ ಇರತಕ್ಕ ಕೆಲಸದ ಕ್ರಾಂಟ್ರಾಕ್ಟು ಷರತ್ತುಗಳಿಗನುಸಾರವಾಗಿ ಯಾವನೊಬ್ಬ ಕೆಲಸಗಾರನಾಗಲಿ ನಡೆದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅವನಿಗೆ ನಗದು ಹಣದ ರೂಪದಲ್ಲಿ ಕೊಡಲಾದ ಅಥವಾ ಕೊಡಬೇಕಾಗಿರತಕ್ಕ ಎಲ್ಲ ಪ್ರತಿಫಲಗಳೂ ಸೇರಿರುತ್ತವೆ; ಇವರಲ್ಲಿ, ಕೂಲಿ ಅಥವಾ ಸಂಬಳವನ್ನು ಕೊಡಬೇಕಾಗಿರತಕ್ಕ ಅವಧಿಯ ಕೊನೆಯ ದಿನದ ತರುವಾಯ ಕ್ಲುಪ್ತ ಕಾಲಗಳಲ್ಲಿ ಕೊಡಲ್ಪಟ್ಟ ಯಾವುದಾದರೂ ಹೆಚ್ಚಿಗೆ ಪ್ರತಿಫಲವಿದ್ದರೆ ಅದೂ ಇದರಲ್ಲಿ ಸೇರಿರುತ್ತದೆ; ಆದರೆ ಈ ಕೆಳಗೆ ಕಂಡ ಮೊಬಲಗುಗಳು ಆ ಅರ್ಥದಲ್ಲಿ ಸೇರಿರುವುದಿಲ್ಲ; ಅವು ಯಾವುವೆಂದರೆ :—

(a) ಕೆಲಸಗಾರನನ್ನು ನೇಮಿಸಿಕೊಂಡ ಯಜಮಾನನು ಕೆಲಸಗಾರನ ಪೆನ್ಷನ್ ಫಂಡಿಗಾಗಿ ಅಥವಾ ಪ್ರಾವಿಡೆಂಟ್ ಫಂಡಿಗಾಗಿ ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಇತರ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕೊಡತಕ್ಕ ಯಾವುದಾದರೂ ಸಹಾಯ ದ್ರವ್ಯ (ಎಂದರೆ ಕಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು).

(b) ಪ್ರಯಾಣದ ಭತ್ಯ ಅಥವಾ ಪ್ರಯಾಣಸಂಬಂಧವಾಗಿ ಕೊಡಬಹುದಾದ ಯಾವುದಾದರೂ ರಿಯಾಯಿತಿಯ ಮೌಲ್ಯ.

(c) ಕೆಲಸಕ್ಕೆ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿರುವವನು ತನ್ನ ಉದ್ಯೋಗ ಸ್ವಭಾವದ ದೆಸೆಯಿಂದ ವೆಚ್ಚಮಾಡಬೇಕಾಗುವಂಥ ಬಾಬುಗಳಿಗಾಗಿ ಅವನಿಗೆ ಕೊಡತಕ್ಕ ಮೊಬಲಗು ಅಥವಾ,

(d) ಕೆಲಸಗಾರನನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕುವಾಗ ಕೊಡಬೇಕಾಗಿರುವ ಯಾವುದಾದರೂ "ಗ್ರಾಚ್ಯುಯಿಟಿ" ಮೊಬಲಗು.

(22) "ವಾರ" ಎಂದರೆ ಶನಿವಾರ ಮಧ್ಯರಾತ್ರಿಯಿಂದ ಏಳು ದಿನಗಳ ಅವಧಿ ಎಂದು ಅರ್ಥ.

(23) "ಆಶ್ರಿತ" ಆಡಳಿತ ನಡೆಸುವ ಮುತಾಲಿಕ" "(ಮ್ಯಾನೇಜಿಂಗ್ ಏಜೆಂಟ್") "ವೃತ್ತಿನಿಮಿತ್ತವಾದ ಕಾಯಿಲೆ" "ಸ್ವಲ್ಪ ಮಟ್ಟಿನ ದೌರ್ಬಲ್ಯ", ಕೆಲಸಮಾಡತಕ್ಕ ಶಕ್ತಿಯು ಸಂಪೂರ್ಣವಾಗಿ ಹೊರಟು ಹೋದ ಸಂದರ್ಭದಲ್ಲಿ ಉಂಟಾಗತಕ್ಕ "ಸಂಪೂರ್ಣ ದೌರ್ಬಲ್ಯ" ಇವುಗಳಿಗೆ 1928ನೆಯ ಇಸವಿಯ ಕೆಲಸಗಾರರ ಪರಿಹಾರದ್ರವ್ಯದ ಆಕ್ಟಿನಲ್ಲಿ (ಎಂದರೆ 1928 ನೆಯ ಇಸವಿಯ XIV ನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಲ್ಲಿ ಕ್ರಮವಾಗಿ ಕೊಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಅರ್ಥವಿವರಣೆಗಳೇ ಈ ಆಕ್ಟಿನಲ್ಲಿಯೂ ಅನ್ವಯಿಸತಕ್ಕುದು.

II ನೆಯ ಅಧ್ಯಾಯ.

"ಸಾಂಘಿಕ ಸಂಸ್ಥೆ, ಖಾಯಂ ಸಮಿತಿ ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್"

3. ಸಂಸ್ಥಾನದ ಕೆಲಸಗಾರರ ವಿಮಾ ಸಂಬಂಧವಾದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆ, (ಸ್ಟೇಟ್ ಇನ್ಷೂರೆನ್ಸ್ ಕಾರ್ಪೊರೇಷನ್):—(1) ಈ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರದವರು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರಮೂಲಕ ನೇಮಕ ಮಾಡಬಹುದಾದ ತಾರೀಖಿನ ರಾಗಾಯಿತು ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳನ್ನನುಸರಿಸಿ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಂಸ್ಥಾನದ ವಿಮಾ ಯೋಜನೆಯ ಆಡಳಿತ ನಿರ್ವಹಣಕ್ಕಾಗಿ "ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕೆಲಸಗಾರರ ವಿಮಾ ಸಂಬಂಧವಾದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆ" ("ಮೈಸೂರ್ ಎಂಪ್ಲಾಯೀಸ್ ಸ್ಟೇಟ್ ಇನ್ಷೂರೆನ್ಸ್ ಕಾರ್ಪೊರೇಷನ್") ಎಂದು ಕರೆಯಲ್ಪಡತಕ್ಕ ಒಂದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯನ್ನು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನನ್ನು) ಸ್ಥಾಪಿಸತಕ್ಕುದು.

(2) ಈ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನು) "ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕೆಲಸಗಾರರ ವಿಮಾ ಸಂಬಂಧವಾದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆ ("ಮೈಸೂರ್ ಎಂಪ್ಲಾಯೀಸ್ ಸ್ಟೇಟ್ ಇನ್ಷೂರೆನ್ಸ್ ಕಾರ್ಪೊರೇಷನ್") ಎಂಬ ಹೆಸರಿನಿಂದ ಸಾಂಘಿಕವಾಗಿ ವ್ಯವಸ್ಥೆಗೊಳಿಸಲ್ಪಟ್ಟು ಸರಿಪಡಿಸತಕ್ಕುದು ಮತ್ತು ಅದರ ಸದಸ್ಯರುಗಳ ಕಾಲಾವಧಿಯು ಪೂರ್ತಿಯಾಗುವ ಕಾಲಕ್ಕೆ ಸರಿ

ಯಾಗಿ ಹೊಸ ಸದಸ್ಯರು ಕೆಲಸ ನಿರ್ವಹಣಕ್ಕೆ ಸಿದ್ಧವಾಗಿರುವಂತೆ ಏರ್ಪಾಡಾಗಿ ಅದು ಸಂತತವಾಗಿ ನಡೆದು ಬರತಕ್ಕುದಲ್ಲದೆ ಈ ಸಂಸ್ಥೆಗೆ ಒಂದು ಮೊಹರು ಇದ್ದು, ಸಂಸ್ಥೆಯು ಮೇಲೆ ಕಂಡ ಹೆಸರಿನಿಂದ, ದಾವೆ ಮೊದಲಾದ ಕೋರ್ಟು ವ್ಯವಹರಣೆಗಳನ್ನು ನಡೆಯಿಸತಕ್ಕುದು ಮತ್ತು ಅಂಥ ಕೋರ್ಟು ವ್ಯವಹರಣೆಗಳಿಗೆ ಗುರಿಯಾಗಿರತಕ್ಕುದು.

4. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ವ್ಯವಸ್ಥೆ.—ಆ ಸಂಘ ಸಂಸ್ಥೆಯಲ್ಲಿ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಲ್ಲಿ) ಈ ಕೆಳಗೆ ಕಂಡ ಸದಸ್ಯರುಗಳಿರತಕ್ಕುದು ; ಅವರುಗಳು ಯಾರು ಯಾರೆಂದರೆ :—

(a) ಸರ್ಕಾರದ ಕಾರ್ಮಿಕಶಾಖೆಯ ಸಚಿವರು ಅಧಿಕಾರ ಪ್ರಯುಕ್ತ (ಎಕ್ಸ್ ಅಫಿಷಿಯೋ) ಅಧ್ಯಕ್ಷರು ("ಚೇರ್ಮನ್ನರವರು") ;

(b) ಸರ್ಕಾರದ "ಜನಾರೋಗ್ಯ ರಕ್ಷಣೆ" ಶಾಖೆಯ ಸಚಿವರು ಅಧಿಕಾರ ಪ್ರಯುಕ್ತ (ಎಕ್ಸ್ ಅಫಿಷಿಯೋ") ಉಪಾಧ್ಯಕ್ಷರು (ವೈಸ್ ಚೇರ್ಮನ್ನರು) ;

(c) ಸದಸ್ಯರುಗಳ ಪೈಕಿ ಐವರಿಗಿಂತ ಹೆಚ್ಚಾಗಿಲ್ಲದಷ್ಟು ಮಂದಿಗಳು ಸರ್ಕಾರದವರಿಂದ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕಮಾಡಲ್ಪಟ್ಟವರಾಗಿರತಕ್ಕುದು ಅವರುಗಳ ಪೈಕಿ ಕನಿಷ್ಠಪಕ್ಷ ಮೂರು ಜನಗಳಾದರೂ ಸರ್ಕಾರಿ ಉದ್ಯೋಗಸ್ಥರಾಗಿರತಕ್ಕುದು ;

(d) ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಂಡಿರುವ ಯಜಮಾನರ ಪರವಾಗಿ—ಸರ್ಕಾರದವರು ಈ ವಿಚಾರವಾಗಿ ತಾವು ಅಂಗೀಕರಿಸಬಹುದಾದ ಯಜಮಾನರ ಸಂಸ್ಥೆಗಳ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ—ಸರ್ಕಾರದವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಿದ ಐದು ಮಂದಿಗಳು;

(e) ಕೆಲಸಗಾರರ ಪರವಾಗಿ—ಸರ್ಕಾರದವರು, ಈ ವಿಚಾರವಾಗಿ ತಾವು ಅಂಗೀಕರಿಸಬಹುದಾದ ಕೆಲಸಗಾರರ ಸಂಸ್ಥೆಗಳ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ—ಸರ್ಕಾರದವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಿದ ಐದು ಮಂದಿಗಳು;

(f) ವೈದ್ಯ ವೃತ್ತಿಯನ್ನು ನಡೆಯಿಸತಕ್ಕವರ ಪರವಾಗಿ—ಸರ್ಕಾರದವರು ಈವಿಚಾರವಾಗಿ ತಾವು ಅಂಗೀಕರಿಸಬಹುದಾದಂಥ ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟಿಷನರುಗಳ ಸಂಸ್ಥೆಗಳ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ—ಸರ್ಕಾರದವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಿದ ಇಬ್ಬರು ; ಮತ್ತು

(g) ಮೈಸೂರು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಿಂದ ಚುನಾಯಿತರಾದ ಇಬ್ಬರು ಸದಸ್ಯರು.

5. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರುಗಳು ಸದಸ್ಯರಾಗಿರತಕ್ಕ ಕಾಲಾವಧಿ.—

(1) ಈ ಆಕ್ಟಿನಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಅನ್ಯಥಾ ವಿಧಾಯಕವಾಗಿದ್ದ ಹೊರತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ)ಸದಸ್ಯರುಗಳ ಸದಸ್ಯತ್ವದ ಅವಧಿಯು ಅವರುಗಳಪೈಕಿ ಅಧಿಕಾರ ಪ್ರಯುಕ್ತ ("ಎಕ್ಸ್ ಅಫಿಷಿಯೋ" ಸದಸ್ಯರುಗಳಾಗಿರುವವರ ಮತ್ತು 4ನೆಯ ಪ್ರಕರಣದ (c) ಕ್ಲಾಜಿನಲ್ಲಿ ಸೂಚಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಸದಸ್ಯರುಗಳ ಹೊರತು ಉಳಿದವರ ವಿಷಯದಲ್ಲಿ ಅವರುಗಳು ಸದಸ್ಯರುಗಳಾಗಿ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟ ಅಥವಾ ಅವರು ಚುನಾಯಿತರಾದ ಸಂಗತಿಯನ್ನು ಪ್ರಕಟಪಡಿಸಿದ ತಾರೀಖಿನ ಲಾಗಾಯಿತು ನಾಲ್ಕು ವರ್ಷಗಳಾಗಿರತಕ್ಕುದು:

ಪರಂತು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಸದಸ್ಯರು ಮೇಲೆ ಹೇಳಿದ ನಾಲ್ಕು ವರ್ಷಗಳ ಅವಧಿಯು ಮುಗಿದರೂ ಕೂಡ ತಮ್ಮ ತರುವಾಯ ಸದಸ್ಯರಾಗಿ ಬರತಕ್ಕವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟ ಅಥವಾ ಚುನಾಯಿತರಾದ ಸಂಗತಿಯು ಪ್ರಕಟಿಸಲ್ಪಡುವವರೆಗೂ ಸದಸ್ಯರಾಗಿಯೇ ಇರತಕ್ಕುದು.

(2) ಮೇಲಿನ 4ನೆಯ ಪ್ರಕರಣದ (c) ಕ್ಲಾಜಿನ ಮೇರೆಗೆ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟ ಸದಸ್ಯರುಗಳು ಸರ್ಕಾರದವರು ಇಷ್ಟಪಡುವವರೆಗೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಸದಸ್ಯರುಗಳಾಗಿರತಕ್ಕುದು.

6. ಮೊದಲೇ ಸದಸ್ಯರಾಗಿರತಕ್ಕವರು ಸದಸ್ಯರುಗಳಾಗಿ ಪುನಃ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಡಲು ಮತ್ತು ಚುನಾಯಿತರಾಗಲು ಅರ್ಹತೆ.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಖಾಯಂ ಸಮಿತಿಯ ಅಥವಾ ವೈದ್ಯಕೀಯ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ "ಮೆಡಿಕಲ್ ಕೌನ್ಸಿಲ್" ಸಭೆಯ ಸದಸ್ಯರುಗಳಾಗಿರತಕ್ಕವರು ಅವರುಗಳ ಸದಸ್ಯತ್ವದ ಅವಧಿಯು ಮುಗಿದ ತರುವಾಯ ಆಯಾ ಸಂದರ್ಭಾನುಸಾರ ಪುನಃ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಡುವುದಕ್ಕೇ ಆಗಲಿ ಅಥವಾ ಚುನಾಯಿತರಾಗಿ ಬರುವುದಕ್ಕೆ ಆಗಲಿ ಅವರುಗಳು ಅರ್ಹರಾಗಿರತಕ್ಕುದು.

7. ಸಾಂಘಿಕಸಂಸ್ಥೆಯ ಹುಕುಮುಗಳು,ತೀರ್ಮಾನ ಮೊದಲಾದುವು ಅಧಿಕೃತವಾಗಿರುವುದು.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ ಎಲ್ಲ ಹುಕುಮುಗಳೂ ಮತ್ತು ತೀರ್ಮಾನಗಳೂ ಅಧ್ಯಕ್ಷರವರಿಂದ ಅಥವಾ ಈ ವಿಷಯದಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟ ಇತರ ಸದಸ್ಯರಿಂದ ರುಜುಮಾಡಲ್ಪಟ್ಟು ಅಧಿಕೃತವಾಗಿರತಕ್ಕುದು. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಿಂದ) ಸಾದರಾದ ಇತರ ಕಾಗದ ಪತ್ರಗಳಿಗೆ ಆ ವಿಷಯದಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟಂಥ ಅದರ ಸದಸ್ಯರಿಂದ ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಆಫೀಸರುಗಳಿಂದ ಅಧಿಕೃತವಾಗಿ ರುಜುಮಾಡಲ್ಪಡತಕ್ಕುದು.

8. ಖಾಯಂ ಸಮಿತಿಯ ವ್ಯವಸ್ಥೆ.—ಸಾಂಘಿಕ ವ್ಯವಸ್ಥೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಖಾಯಂ ಸಮಿತಿಯು (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯು) ಈ ಕೆಳಗೆ ಕಂಡ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರುಗಳನ್ನೊಳಗೊಂಡು ರಚಿತವಾಗಿರತಕ್ಕದು ; ಅವರುಗಳು ಯಾರು ಯಾರೆಂದರೆ:—

(a) ಒಬ್ಬರು ಅಧ್ಯಕ್ಷರು ("ಚೇರ್ಮನ್" ರವರು); ಇವರು ಸರ್ಕಾರದವರಿಂದ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕದು.

(b) ಸಾಂಘೀಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಸದಸ್ಯರುಗಳಾಗಿರತಕ್ಕ ಮೂರು ಜನ ಸರ್ಕಾರಿ ಉದ್ಯೋಗಸ್ಥರು ಸರ್ಕಾರದವರಿಂದ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕದು.

(c) ಆರು ಜನ ಸದಸ್ಯರುಗಳು ಸಾಂಘೀಕ ಸಂಸ್ಥೆಯಿಂದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಿಂದ) ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿ ಚುನಾಯಿತರಾಗಿರತಕ್ಕದು ; ಅದು ಹೇಗೆಂದರೆ:—

(i) ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಂಡಿರತಕ್ಕ ಯಜಮಾನರುಗಳ ಪರವಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರುಗಳಾಗಿರತಕ್ಕವರ ಪೈಕಿ ಇಬ್ಬರು;

(ii) ಕೆಲಸಗಾರರ ಪರವಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಾಗಿರತಕ್ಕವರ ಪರವಾಗಿ ಇಬ್ಬರು;

(iii) ವೈದ್ಯಕೀಯ ವೃತ್ತಿಯಲ್ಲಿರುವವರ ಪರವಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರುಗಳಾಗಿರತಕ್ಕವರ ಪರವಾಗಿ ಒಬ್ಬರು ; ಮತ್ತು

(iv) ಮೈಸೂರು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಿಂದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಾಗಿ ಬಂದಿರುವವರ ಪೈಕಿ ಒಬ್ಬರು.

9. ಖಾಯಂ ಸಮಿತಿಯ ಸದಸ್ಯರುಗಳು ಸದಸ್ಯರಾಗಿರತಕ್ಕ ಅವಧಿ.—ಈ ಆಕ್ಟಿನಲ್ಲಿ ಆ ವಿಷಯವಾಗಿ ಅನ್ಯಥಾ ಸ್ಪಷ್ಟವಾಗಿ ವಿಧಾಯಕವಾಗಿದ್ದ ಹೊರತು ಮೇಲಿನ 8ನೆಯ ಪ್ರಕರಣದ (a) ಮತ್ತು (b) ಕ್ಲಾಜುಗಳಲ್ಲಿ ಸೂಚಿತವಾಗಿರತಕ್ಕ ಸದಸ್ಯರುಗಳ ಹೊರತು, ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯ) ಇತರ ಸದಸ್ಯರುಗಳ ಸದಸ್ಯತ್ವದ ಅವಧಿಯು, ಅವರು ಸದಸ್ಯರುಗಳಾಗಿ ಚುನಾಯಿತರಾದ ವಿಷಯವು ಪ್ರಕಟಿಸಲ್ಪಟ್ಟ ತಾರೀಖಿನ ಲಾಗಾಯಿತು ಎರಡು ವರ್ಷಗಳಾಗಿರತಕ್ಕದು;

ಪರಂತು, ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿರತಕ್ಕವರು ಮೇಲೆ ಹೇಳಿದ ಎರಡು ವರ್ಷಗಳ ಅವಧಿಯು ಮುಗಿದರೂ ಕೂಡ ತಮ್ಮ ತರುವಾಯ ಸದಸ್ಯರಾಗಿ ಬರತಕ್ಕವರು ಚುನಾಯಿತರಾದ ಸಂಗತಿಯು ಪ್ರಕಟಿಸಲ್ಪಡುವವರೆಗೂ ಸದಸ್ಯರಾಗಿಯೇ ಇರತಕ್ಕದು;

ಅಲ್ಲದೆ, ಪರಂತು, ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯ ಯಾರೊಬ್ಬರು ಸದಸ್ಯರಾಗಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಾಗಿರುವುದು ತಪ್ಪಿಹೋದಾಗ ಅವರು ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿರುವುದೂ ತಪ್ಪಿ ಹೋಗತಕ್ಕದು.

(2) 8ನೆಯ ಪ್ರಕರಣದ (a) ಕ್ಲಾಜಿನಲ್ಲಿ ಅಥವಾ (b) ಕ್ಲಾಜಿನಲ್ಲಿ ಸೂಚಿತವಾಗಿರುವ ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯ) ಯಾರೊಬ್ಬರು ಸದಸ್ಯರೇ ಆಗಲಿ ಸರ್ಕಾರದವರು ಇಷ್ಟಪಡುವಷ್ಟು ಕಾಲದವರೆಗೂ ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿರತಕ್ಕದು.

10 ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ ("ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್")— (1) ಸರ್ಕಾರದವರು ಈ ಕೆಳಗೆ ಕಂಡ ಸದಸ್ಯರುಗಳನ್ನೊಳಗೊಂಡಿರುವ ಒಂದು ವೈದ್ಯಸಹಾಯದ ಸಭೆಯನ್ನು (ಎಂದರೆ "ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್") ಏರ್ಪಡಿಸತಕ್ಕದು:—

(a) ಜನಾರೋಗ್ಯ ರಕ್ಷಣಾ ಇಲಾಖೆಯ ಡೈರೆಕ್ಟರವರು , ಅಧಿಕಾರ ಪ್ರಯುಕ್ತವಾಗಿ ("ಎಕ್ಸ್ ಅಫಿಷಿಯೋ") ; ಅಧ್ಯಕ್ಷರು ("ಚೇರ್ಮನ್‌ರವರು") ;

(b) ಸೀನಿಯರ್ ಸರ್ಜನ್‌ರವರು, ಅಧಿಕಾರಪ್ರಯುಕ್ತವಾಗಿ ("ಎಕ್ಸ್-ಅಫಿಷಿಯೋ");

(c) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಮೆಡಿಕಲ್ ಕಮೀಷನರವರು; ಅಧಿಕಾರ ಪ್ರಯುಕ್ತವಾಗಿ ("ಎಕ್ಸ್-ಅಫಿಷಿಯೋ")

(d) ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಂಡಿರುವ ಯಜಮಾನರ ಪರವಾಗಿ—ಸರ್ಕಾರದವರು ಈ ವಿಚಾರವಾಗಿ ತಾವು ಅಂಗೀಕರಿಸಬಹುದಾದ ಯಜಮಾನರ ಸಂಸ್ಥೆಗಳ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ—ಸರ್ಕಾರದವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಿದ ಮೂರು ಮಂದಿಗಳು ;

(e) ಕೆಲಸಗಾರರ ಪರವಾಗಿ—ಸರ್ಕಾರದವರು ಈ ವಿಚಾರವಾಗಿ ತಾವು ಅಂಗೀಕರಿಸಬಹುದಾದ ಕೆಲಸಗಾರರ ಸಂಸ್ಥೆಗಳ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ—ಸರ್ಕಾರದವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕಮಾಡಿದ ಮೂರು ಮಂದಿಗಳು:

(f) ವೈದ್ಯ ವೃತ್ತಿಯನ್ನು ನಡೆಯಿಸತಕ್ಕವರ ಪರವಾಗಿ—ಸರ್ಕಾರದವರು ಈ ವಿಚಾರವಾಗಿ ತಾವು ಅಂಗೀಕರಿಸಬಹುದಾದಂಥ ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟಿಷನರುಗಳ ಸಂಸ್ಥೆಗಳ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ—ಸರ್ಕಾರದವರು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮೂರು ಮಂದಿಗಳು; ಈ ಮೂರು ಮಂದಿ ಸದಸ್ಯರಲ್ಲಿ ಒಬ್ಬರು ಮಹಿಳಾ ಸದಸ್ಯರಿರತಕ್ಕದು.

(2) ಈ ಆಕ್ಟಿನಲ್ಲಿ ಅನ್ಯಥಾ ಸ್ಪಷ್ಟವಾಗಿ ವಿಧಾಯಕವಾಗಿದ್ದ ಹೊರತು, (1)ನೆಯ ಒಳ—ಪ್ರಕರಣದ (a) (b) ಮತ್ತು (c) ಕ್ಲಾಜುಗಳ ಪೈಕಿ ಯಾವುದಾದರೂ ಕ್ಲಾಜಿನಲ್ಲಿ

ಸೂಚಿಸಲ್ಪಟ್ಟಿರುವ ಸದಸ್ಯರನ್ನು ಬಿಟ್ಟು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ ("ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್") ಉಳಿದ ಯಾರೊಬ್ಬರು ಸದಸ್ಯರ ಸದಸ್ಯತ್ವದ ಅವಧಿಯು, ಅವರು ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರುವ ಸಂಗತಿಯು ಪ್ರಕಟಿಸಲ್ಪಟ್ಟ ತಾರೀಖಿನಿಂದ ನಾಲ್ಕು ವರ್ಷಗಳವರೆಗೆ ಇರತಕ್ಕುದು.

11. ಖಾಲಿ ಸ್ಥಾನಗಳನ್ನು ಭರ್ತಿಮಾಡುವುದು.—(1) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯ ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ (ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲಿನ) "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕವಾದ ಅಥವಾ ಚುನಾಯಿಸಲ್ಪಟ್ಟ ಸದಸ್ಯರುಗಳ ಖಾಲಿ ಸ್ಥಾನಗಳನ್ನು ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ಸದಸ್ಯರುಗಳನ್ನು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡುವುದರಿಂದ ಅಥವಾ ಚುನಾಯಿಸುವುದರಿಂದ, ಭರ್ತಿ ಮಾಡತಕ್ಕುದು.

(2) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಲ್ಲಿ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಲ್ಲಿ) ಖಾಯಂ ಸಮಿತಿಯಲ್ಲಿ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯಲ್ಲಿ) ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯಲ್ಲಿ (ಎಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲಿನಲ್ಲಿ) ಆಕಸ್ಮಿಕವಾಗಿ ಖಾಲಿ ಬೀಳುವ ಸ್ಥಾನಗಳಲ್ಲಿ "ನಾಮಿನೇಷನ್" ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟ ಅಥವಾ ಚುನಾಯಿಸಲ್ಪಟ್ಟ ಒಬ್ಬರು ಸದಸ್ಯರು, ಯಾವ ಸದಸ್ಯರ ಸ್ಥಾನದಲ್ಲಿ ಅವರು ಹಾಗೆ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರುವರೋ ಅಥವಾ ಚುನಾಯಿಸಲ್ಪಟ್ಟಿರುವರೋ ಅಂಥ ಸದಸ್ಯರು ಆ ಸದಸ್ಯ ಸ್ಥಾನವು ಖಾಲಿ ಬೀಳದಿದ್ದರೆ ಎಲ್ಲಿಯವರೆಗೂ ಸದಸ್ಯರಾಗಿರಲು ಹಕ್ಕುಳ್ಳವರಾಗುತ್ತಿದ್ದರೋ ಅಲ್ಲಿಯವರೆಗೆ ಮಾತ್ರ ಅವುಗಳ ಸದಸ್ಯರಾಗಿರತಕ್ಕುದು.

12. ಸದಸ್ಯತ್ವಕ್ಕೆ ರಾಜೀನಾಮೆ.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯ) ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ (ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲಿನ) ಒಬ್ಬರು ಸದಸ್ಯರು ಸರ್ಕಾರಕ್ಕೆ ಬರೆಹ ಮೂಲಕವಾಗಿ ನೋಟೀಸನ್ನು ಕೊಡುವುದರಿಂದ ತಮ್ಮ ಸದಸ್ಯತ್ವಕ್ಕೆ ರಾಜೀನಾಮೆಯನ್ನು ಕೊಡಬಹುದು ಮತ್ತು ಸರ್ಕಾರದವರು ರಾಜೀನಾಮೆಯನ್ನು ಅಂಗೀಕರಿಸಿದ ಮೇಲೆ ಅವರ ಸ್ಥಾನವು ಖಾಲಿಯಾಗತಕ್ಕುದು.

13. ಸದಸ್ಯತ್ವವು ತಪ್ಪಿ ಹೋಗುವುದು.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯ) ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ (ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲಿನ) ಒಬ್ಬರು ಸದ್ಯಸ್ಯರು, ಅವುಗಳ ಅನುಕ್ರಮವಾದ ಮೂರು ಮೀಟಿಂಗುಗಳಲ್ಲಿ ಹಾಜರಾಗಲು ತಪ್ಪಿದರೆ, ಆ ವ್ಯವಸ್ಥೆಯ, ಆ ಸಮಿತಿಯ, ಅಥವಾ ಆ ಸಭೆಯ ಸದಸ್ಯತ್ವವು ಅವರಿಗೆ ತಪ್ಪಿ ಹೋಗತಕ್ಕುದು:

ಪರಂತು, ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು, ಖಾಯಂ ಸಮಿತಿಯವರು ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯವರು ಈ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರದವರು ರಚಿಸುವ ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಪಟ್ಟು, ಅವರ ಸದಸ್ಯತ್ವವನ್ನು ಪುನಃ ಅವರಿಗೆ ದೊರೆಯಿಸಿ ಕೊಡಬಹುದು.

14. ಅನರ್ಹತೆ.—ಒಬ್ಬ ಮನುಷ್ಯನು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ, ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯ ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ (ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲಿನ) ಸದಸ್ಯರಾಗಿ ಚುನಾಯಿಸಲ್ಪಡುವುದಕ್ಕೆ ಅಥವಾ ಅವುಗಳ ಸದಸ್ಯರಾಗುವುದಕ್ಕೆ ಈ ಕೆಳಗೆ ಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅನರ್ಹನಾಗತಕ್ಕುದು; ಆ ಸಂದರ್ಭಗಳು ಯಾವುವೆಂದರೆ.—

(a) ಅಧಿಕಾರವನ್ನು ಹೊಂದಿದ ಒಂದು ಕೋರ್ಟು ಆ ಮನುಷ್ಯನಿಗೆ ಬುದ್ಧಿಭ್ರಮಣೆಯಾಗಿದೆಯೆಂದು ತೀರ್ಮಾನಿಸಿದರೆ;

(b) ಅವನು ದಿವಾಳಿತನದಿಂದ ಬಿಡುಗಡೆಯಾಗಿಲ್ಲದ ದಿವಾಳಿಗಾರನಾಗಿದ್ದರೆ;

(c) ಆ ಮನುಷ್ಯನು ನೇರವಾಗಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿ ತಾನೇ ಸ್ವತಃ ಅಥವಾ ಅವನ ಪಾಲುದಾರನ ಮೂಲಕ ಒಬ್ಬ ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟೀಷನರಾಗಿ ಹೊರತು ಅಥವಾ ಒಂದು ಕಂಪೆನಿಯ (ಡೈರೆಕ್ಟರಾಗಿಲ್ಲದ) ಕೇವಲ ಒಬ್ಬ ಷೇರುದಾರನಾಗಿ ಹೊರತು—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಲ್ಲಿ ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಒಂದು "ಕಾಂಟ್ರಾಕ್ಟು" ಒಪ್ಪಂದದಲ್ಲಿ ಅಥವಾ ಆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗಾಗಿ ಮಾಡುವಂಥಾ ಯಾವುದಾದರೂ ಕೆಲಸದಲ್ಲಿ, ಪ್ರಯೋಜನಾಂಶವುಳ್ಳವನಾಗಿದ್ದರೆ; ಅಥವಾ

(d) ಈ ಆಕ್ಟು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ ಅಥವಾ ಪ್ರಾರಂಭವಾದ ಮೇಲೆ ಆ ಮನುಷ್ಯನು ನೀತಿ ತಪ್ಪಿ ನಡೆದ ಒಂದು ಅಪರಾಧಕ್ಕಾಗಿ ತಪ್ಪು ಸಾಬೀತು ಮಾಡಲ್ಪಟ್ಟ ಗಡೀಪಾರು ಶಿಕ್ಷೆಗಾಗಲಿ ಅಥವಾ ಸಜಾ ಶಿಕ್ಷೆಗಾಗಲಿ ಗುರಿಯಾಗಿದ್ದು, ಅವನ ಬಿಡುಗಡೆಯಾದ ಮೇಲೆ ಹತ್ತು ವರ್ಷಗಳ ಅವಧಿಯಾಗಲಿ ಅಥವಾ ಯಾವುದಾದರೂ ನಿರ್ದಿಷ್ಟ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರದವರು ಗೊತ್ತು ಮಾಡಬಹುದಾದಂತೆ ಇನ್ನೂ ಕಡಮೆಯ ಅವಧಿಯಾಗಲಿ ಕಳೆದಿಲ್ಲದಿದ್ದರೆ.

15. ಫೀಜುಗಳು ಮತ್ತು ಭತ್ಯಗಳು (ಅಲೋಯನ್ಸುಗಳು).—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಖಾಯಂ ಸಮಿತಿಯ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯ) ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ (ಎಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್" ಸಭೆಯ ಸದಸ್ಯರು, ಸರ್ಕಾರದವರಿಂದ ಆಗಿಂದಾಗ್ಗೆ ಗೊತ್ತು ಮಾಡಲ್ಪಡಬಹುದಾದಂಥ ಫೀಜುಗಳನ್ನೂ ಮತ್ತು ಭತ್ಯಗಳನ್ನು ಸ್ವೀಕರಿಸತಕ್ಕುದು.

16. ಮುಖ್ಯ ಆಫೀಸರುಗಳು.—(1) ಸರ್ಕಾರದವರು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರ) ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ, (ಇನ್ನು ಮುಂದೆ ಮುಖ್ಯ ಆಫೀಸರುಗಳೆಂದು

ಕರೆಯಲ್ಪಡುವ) ಈ ಕೆಳಗೆ ನಮೂದಾಗಿರುವ ಸಾಂಘಿಕ ವ್ಯವಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ ಆಫೀಸರುಗಳನ್ನು ನೇಮಕಮಾಡಬಹುದು; ಅವರುಗಳು ಯಾರುಯಾರೆಂದರೆ;—

(a) ಕೆಲಸಗಾರರುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸರ್ಕಾರದ ಒಬ್ಬರು ವಿಮೆಯ ಕಮಿಷನರವರು;

(b) ಒಬ್ಬರು ಮೆಡಿಕಲ್ ಕಮಿಷನರವರು;

(c) ಒಬ್ಬರು ಚೀಫ್ ಅಕೌಂಟ್ಸ್ ಆಫೀಸರವರು; ಮತ್ತು

(d) ಒಬ್ಬರು ಆಕ್ಚ್ಯುಯರಿಯವರು.

(2) ಕಮಿಷನರವರು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) "ಚೀಫ್ ಎಗ್ಜಿಕ್ಯುಟಿವ್ ಆಫೀಸರ್"ರಾಗಿರತಕ್ಕುದು.

(3) ಮುಖ್ಯ ಆಫೀಸರುಗಳು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ ಕೆಲಸಗಳನ್ನು ನಡೆಯಿಸುವುದಕ್ಕಾಗಿಯೇ ಕಾಲವನ್ನು ಪೂರ್ತಿಯಾಗಿ ವಿನಿಯೋಗಿಸಿ ಕೆಲಸ ಮಾಡುವ ಆಫೀಸರುಗಳಾಗಿರತಕ್ಕುದು ಮತ್ತು ಸರ್ಕಾರದವರು ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆಯದೆ ಅವರ ಕೆಲಸಗಳಿಗೆ ಸಂಬಂಧ ಪಡದೆಯಿರತಕ್ಕ ಯಾವುದೊಂದು ಕೆಲಸವನ್ನೂ ಅವರು ಕೈಕೊಳ್ಳತಕ್ಕುದಲ್ಲ.

(4) ಮುಖ್ಯ ಆಫೀಸರು, ಅವರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಕಮಾಡಿಕೊಂಡಿರುವುದಾಗಿ ಸಾದರಾದ ಹುಕುಮಿನಲ್ಲಿ ಸೂಚಿತವಾಗಿರಬಹುದಾದ; ಮತ್ತು ಐದು ವರ್ಷಗಳಿಗೆ ಮೀರದಿರುವ ಕಾಲಾವಧಿಯಲ್ಲಿ ಮುಖ್ಯ ಆಫೀಸರ ಕೆಲಸವನ್ನು ಮಾಡತಕ್ಕುದು. ಕಾಲಾವಧಿಯು ಪೂರೈಸಿದ ಪ್ರಯುಕ್ತವಾಗಿ ಕೆಲಸದಿಂದ ನಿವೃತ್ತರಾಗಬೇಕಾದ ಮುಖ್ಯ ಆಫೀಸರವರಿಗೆ ಅವರು ಆ ಕಾರಣವನ್ನು ಬಿಟ್ಟು ಅನ್ಯಥಾ ಅರ್ಹರಾಗಿದ್ದರೆ ಪುನಃ ಕೆಲಸಕ್ಕೆ ನೇಮಕವಾಗುವ ಅರ್ಹತೆ ಇರತಕ್ಕುದು.

(5) ಮುಖ್ಯ ಅಫೀಸರು ಸರ್ಕಾರದವರು ಗೊತ್ತು ಮಾಡಬಹುದಾದ ಸಂಬಳ ಮತ್ತು ಭತ್ಯಗಳನ್ನು ಪಡೆಯತಕ್ಕುದು.

(6) ಒಬ್ಬ ಮನುಷ್ಯನು 14ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಸೂಚಿತವಾಗಿರುವ ಅನರ್ಹತೆಗಳಿಗೆ ಒಳಪಟ್ಟಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅವನು ಮುಖ್ಯ ಆಫೀಸರಾಗಿ ನೇಮಕವಾಗಲು ಅಥವಾ ಮುಖ್ಯ ಆಫೀಸರಾಗಿರಲು ಅರ್ಹತೆಯುಳ್ಳವನಾಗಿರತಕ್ಕುದಲ್ಲ.

(7) ಸರ್ಕಾರದವರು ಯಾವ ಕಾಲದಲ್ಲಿಯೇ ಆಗಲಿ ಮುಖ್ಯ ಆಫೀಸರನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದು ಹಾಕಬಹುದು ಮತ್ತು ಆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಏರ್ಪಡಿಸಿದ ಮೀಟಿಂಗಿನಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಒಟ್ಟು ಸದಸ್ಯರ ಪೈಕಿ ಮೂರನೆಯ ಎರಡು ಭಾಗದಷ್ಟು ಸದಸ್ಯರ ವೋಟುಗಳಿಂದ ನಡೆದ ನಿರ್ಣಯದ ಮೇರೆಗೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಮುಖ್ಯ ಆಫೀಸರನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದು ಹಾಕಬೇಕೆಂದು ಸಲಹೆ ಮಾಡುವುದಾದರೆ ಸರ್ಕಾರದವರು ಹಾಗೆ ಅವರನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದು ಹಾಕತಕ್ಕುದು.

17. ಸಿಬ್ಬಂದಿ.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಸಂಸ್ಥೆಯ ಕಾರ್ಯಕಲಾಪಗಳು ವಿಚಕ್ಷಣೆಯಿಂದ ನಡೆಯುವುದಕ್ಕೆ ಬೇಕಾದ ಇತರ ಅಧಿಕಾರಿಗಳ ಸಿಬ್ಬಂದಿಯನ್ನು ನೇಮಿಸಿಕೊಳ್ಳಬಹುದು; ಪರಂತು ತಿಂಗಳಿಗೆ ಪರಮಾವಧಿ ಐದುನೂರು ರೂಪಾಯಿಗಳ ಅಥವಾ ಅದಕ್ಕೆ ಮೇಲ್ಪಟ್ಟ ಸಂಬಳದ ಹುದ್ದೆಯನ್ನು ಏರ್ಪಡಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಅವರು ಸರ್ಕಾರದವರ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆಯತಕ್ಕುದು.

(2) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ಸರ್ಕಾರದವರ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದು, ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಳ್ಳುವ ವಿಧಾನ, ಸಂಬಳ ಮತ್ತು ಭತ್ಯಗಳು, ಶಿಸ್ತು, ಕೆಲಸದಿಂದ ವಿಶ್ರಾಂತರಾಗಲು ಕ್ಲುಪ್ತವಾದ ವಯಸ್ಸಾದ ಬಳಿಕ ("ಸೂಪರ್ ಆನ್ಯುಏಷನ್") ಪೆನ್ಷನ್ ಮುಂತಾದ ಸೌಕರ್ಯಗಳು ಮತ್ತು ಸಿಬ್ಬಂದಿಗೆ ಸೇರಿದ ನೌಕರರ ಸರ್ವಿಸಿಗೆ ಅನ್ವಯಿಸುವ ಇತರ ವಿಷಯಗಳು—ಇವುಗಳ ಸಂಬಂಧದಲ್ಲಿ ರೆಗ್ಯುಲೇಷನುಗಳೆಂಬ ನಿರೂಪಣೆಗಳನ್ನು ರಚಿಸಬಹುದು.

(3) ತಿಂಗಳಿಗೆ ಪರಮಾವಧಿ ಐದುನೂರು ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕೆ ಮೇಲ್ಪಟ್ಟ ಸಂಬಳ ದೊರೆಯುವ ಹುದ್ದೆಗಳಿಗೆ, ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನರ ಆಲೋಚನೆಯನ್ನು ಕೇಳಿ ಜನರನ್ನು ನೇಮಕ ಮಾಡಿಕೊಳ್ಳತಕ್ಕುದು.

ಪರಂತು, ಒಟ್ಟು ಒಂದು ವರ್ಷಕ್ಕೆ ಮೀರದಿರುವ ಕಾಲಾವಧಿಯ ಅಫಿಷಿಯೇಟಿಂಗ್ ಅಥವಾ ಹಂಗಾಮಿ ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಳ್ಳುವ ಸಂಬಂದದಲ್ಲಿ ಈ ಒಳ ಪ್ರಕರಣವು ಅನ್ವಯಿಸತಕ್ಕುದಲ್ಲ.

18. ಖಾಯಂ ಸಮಿತಿಯವರ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯವರ) ಅಧಿಕಾರಗಳು.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರ (ಎಂದರೆ "ಕಾರ್ಪೊರೇಷನಿನವರ") ಸಾಮಾನ್ಯಾಡಳಿತಕ್ಕೂ ಮತ್ತು ಹತೋಟಿಗೂ ಒಳಪಟ್ಟು, ಖಾಯಂ ಸಮಿತಿಯವರು (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿಯವರು) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಕೆಲಸಗಳ ಆಡಳಿತವನ್ನು ನಿರ್ವಹಿಸತಕ್ಕುದು ಮತ್ತು ಖಾಯಂ ಸಮಿತಿಯವರು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಯಾವುದಾದರೂ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಬಹುದು ಮತ್ತು ಅದರ ಯಾವುದಾದರೂ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸಬಹುದು.

(2) ಖಾಯಂ ಸಮಿತಿಯವರು (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯವರೂ) ಈ ಸಂಬಂಧದಲ್ಲಿ ರಚಿತವಾದ ನಿಬಂಧನೆಗಳಲ್ಲಿ ಸೂಚಿಶವಾದ ಎಲ್ಲ ಸಂದರ್ಭಗಳನ್ನೂ ಮತ್ತು ವಿಚಾರಗಳನ್ನೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರ) ಪರ್ಯಾಲೋಚನೆಗೂ ಮತ್ತು ತೀರ್ಮಾನಕ್ಕೂ ಒಪ್ಪಿಸತಕ್ಕುದು.

(3) ಖಾಯಂ ಸಮಿತಿಯವರು (ಎಂದರೆ, ಸ್ಥಾಯೀ ಸಮಿತಿಯವರು) ಅವರಿಗೆ ಸೂಕ್ತವೆಂದು ಕಂಡುಬರುವ ಇತರ ಯಾವುದಾದರೂ ಸಂದರ್ಭವನ್ನೂ ಅಥವಾ ವಿಚಾರವನ್ನೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರ) ತೀರ್ಮಾನಕ್ಕಾಗಿ ಒಪ್ಪಿಸಬಹುದು.

19. ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆರೋಗ್ಯ ರಕ್ಷಣೆ ಮುಂತಾದ ವಿಚಾರಗಳಲ್ಲಿ ತಕ್ಕ ಏರ್ಪಾಡುಗಳನ್ನು ಮಾಡಲು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಗೆ (ಎಂದರೆ ಕಾರ್ಪೋರೇಷನಿನವರಿಗೆ) ಇರುವ ಅಧಿಕಾರ.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೋರೇಷನಿನವರು) ಈ ಆಕ್ಟಿನಲ್ಲಿ ಸೂಚಿತವಾಗಿರುವ ಅನುಕೂಲಗಳ ಯೋಜನೆಯ ಜೊತೆಗೆ, ವಿಮೆ ಮಾಡಿರುವ ಜನರ ಆರೋಗ್ಯ ರಕ್ಷಣೆ ಮತ್ತು ಯೋಗಕ್ಷೇಮ ಸಾಧನೆ—ಇವಕ್ಕೂ ಮತ್ತು ಕೆಲಸಗಾರರಲ್ಲಿ ದೌರ್ಬಲ್ಯ ಹೊಂದಿದ ಮತ್ತು ಜಖಂ ಅದ ವಿಮೆದಾರರನ್ನು ಮೊದಲಿನ ಸ್ಥಿತಿಗೆ ತಂದು ಅವರನ್ನು ಪುನಃ ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಳ್ಳುವುದಕ್ಕೂ ಅವಶ್ಯಕವಾದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಕೈಕೊಳ್ಳಬಹುದು ಮತ್ತು ಅಂಥ ಕಾರ್ಯಕ್ರಮಗಳ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರದವರು ಗೊತ್ತು ಮಾಡಬಹುದಾದ ಪರಿಮಿತಿಗೊಳಪಟ್ಟು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರ (ಎಂದರೆ ಕಾರ್ಪೋರೇಷನ್) ನಿಧಿಗಳಿಂದ ಖರ್ಚನ್ನು ಒದಗಿಸಬಹುದು.

20. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಖಾಯಂ ಸಮಿತಿಯ ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಮಿತಿಯ ಮೀಟಿಂಗುಗಳು.—ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ರಚಿಸಲ್ಪಟ್ಟ ನಿಬಂಧನೆಗಳೇನಾದರೂ ಇದ್ದರೆ ಆ ನಿಬಂಧನೆಗಳಿಗೊಳಪಟ್ಟು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯೂ (ಎಂದರೆ "ಕಾರ್ಪೋರೇಷನ್") ಖಾಯಂ ಸಮಿತಿಯೂ ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯೂ ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಮಿತಿಯೂ (ಎಂದರೆ "ಮೆಡಿಕಲ್ ಬೆನೆಫಿಟ್ ಕೌನ್ಸಿಲ್") ಈ ಸಂಬಂಧದಲ್ಲಿ ರಚಿತವಾಗಿರುವ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ 'ರೆಗ್ಯುಲೇಷನು'ಗಳಲ್ಲಿ) ನಮೂದಾಗಿರಬಹುದಾದ ಕಾಲ ಮತ್ತು ಸ್ಥಳಗಳಲ್ಲಿ ಸಭೆ ಸೇರಿ 'ಮೀಟಿಂಗು'ಗಳನ್ನು ನಡೆಯಿಸತಕ್ಕದು, ಮತ್ತು ಆ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ, ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರಬಹುದಾದ ನಿಬಂಧನೆಗಳನ್ನು ಅಥವಾ ನಡೆವಳಿಕೆ ಕ್ರಮವನ್ನು ಅನುಸರಿಸಿ ಕೆಲಸ ಮಾಡತಕ್ಕದು.

21. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಮತ್ತು ಖಾಯಂ ಸಮಿತಿಯ ರದ್ದಿಯಾತಿ.—(1) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಾಗಲಿ (ಎಂದರೆ "ಕಾರ್ಪೋರೇಷನ್") ಆಗಲಿ ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯಾಗಲಿ (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯಾಗಲಿ) ಈ ಆಕ್ಟಿನಿಂದ ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ತನಗೆ ವಿಧಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸದೆ ಪದೇ ಪದೇ ತಪ್ಪುತ್ತಿದೆಯೆಂದಾಗಲಿ ಅಥವಾ ತನ್ನ ಅಧಿಕಾರಗಳನ್ನು ದುರುಪಯೋಗಪಡಿಸುತ್ತಿದೆಯೆಂದಾಗಲಿ ಸರ್ಕಾರದವರಿಗೆ ಅಭಿಪ್ರಾಯವುಂಟಾದಲ್ಲಿ, ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವ ಮೂಲಕ ಸರ್ಕಾರದವರು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯನ್ನು ರದ್ದುಪಡಿಸಬಹುದು. ಖಾಯಂ ಸಮಿತಿಯ ವಿಷಯದಲ್ಲಿ ಸಾಂಘಿಕ ವ್ಯವಸ್ಥೆಯೊಡನೆ ಸಮಾಲೋಚನೆ ನಡೆಯಿಸಿ, ಖಾಯಂ ಸಮಿತಿಯನ್ನು ರದ್ದುಪಡಿಸಬಹುದು.

ಪರಂತು ಈ ಒಳ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯನ್ನು ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯನ್ನು ರದ್ದುಮಾಡಿ ಒಂದು ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ಸರ್ಕಾರದವರು ಆ ಸಂಸ್ಥೆಯನ್ನು ಏಕೆ ರದ್ದು ಮಾಡಕೂಡದೆಂದು ಕಾರಣವನ್ನು ಸೂಚಿಸುವುದಕ್ಕಾಗಿ ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಗೆ ಯುಕ್ತವಾದ ಅವಕಾಶವನ್ನು ಕೊಡತಕ್ಕದು. ಮತ್ತು ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯ ಸಮಜಾಯಿಷಿ ವಿವರಣೆಗಳಾಗಲಿ ಮತ್ತು ಆಕ್ಷೇಪಣೆಗಳಾಗಲಿ ಯಾವುವಾದರೂ ಇದ್ದಲ್ಲಿ ಅವುಗಳನ್ನೂ ಪರ್ಯಾಲೋಚಿಸಿ ನೋಡತಕ್ಕದು.

(2) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯನ್ನು (ಎಂದರೆ ಕಾರ್ಪೋರೇಷನನ್ನು) ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯನ್ನು (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯನ್ನು) ರದ್ದುಪಡಿಸಿ (1)ನೆಯ ಒಳ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಂದು ಇಸ್ತಿಹಾರ್ನಾಮೆಯು ಪ್ರಕಟಿಸಲ್ಪಟ್ಟಾಗ, ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯ ಎಲ್ಲ ಸದಸ್ಯರುಗಳೂ, ಆ ರೀತಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯು ಪ್ರಕಟಿಸಲ್ಪಟ್ಟ ತಾರೀಖಿನಿಂದ, ತಮ್ಮ ಸ್ಥಾನಗಳನ್ನು ಖಾಲಿ ಮಾಡಿರುವುದಾಗಿ ಭಾವಿಸಲ್ಪಡತಕ್ಕದು.

(3) ಖಾಯಂ ಸಮಿತಿಯನ್ನು (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯನ್ನು) ರದ್ದುಮಾಡಿದಾಗ, 8ನೆಯ ಪ್ರಕರಣವನ್ನನುಸರಿಸಿ ಹೊಸ ಖಾಯಂ ಸಮಿತಿಯೊಂದು ಕೂಡಲೆ ಏರ್ಪಡಿಸಲ್ಪಡತಕ್ಕದು.

(4) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೋರೇಷನ್) ರದ್ದುಪಡಿಸಲ್ಪಟ್ಟಾಗ, ಸರ್ಕಾರದವರು—

(a) 4ನೆಯ ಪ್ರಕರಣವನ್ನನುಸರಿಸಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಹೊಸ ಸದಸ್ಯರುಗಳನ್ನು ಕೂಡಲೆ "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಬಹುದು. ಅಥವಾ ನೇಮಕ ಮಾಡಲ್ಪಡುವಂತೆ ಏರ್ಪಡಿಸಬಹುದು ಅಥವಾ ಚುನಾಯಿತರಾಗುವಂತೆ ಏರ್ಪಡಿಸಬಹುದು ; ಮತ್ತು 8ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಂದು ಹೊಸ ಖಾಯಂ ಸಮಿತಿಯನ್ನು ಏರ್ಪಡಿಸಬಹುದು ;

(b) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವುದಕ್ಕೂ ಮತ್ತು ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕೂ ತಾವು ತಕ್ಕುದೆಂದು ಭಾವಿಸಬಹುದಾದ ವ್ಯವಸ್ಥೆಯನ್ನು ('ಏಜನ್ಸಿ'ಯೊಂದನ್ನು) ತಮ್ಮ ವಿವೇಚನಾನುಸಾರವಾಗಿ, ನೇಮಕ ಮಾಡಬಹುದು. ಮತ್ತು ಅಂಥ ವ್ಯವಸ್ಥೆಯು ("ಏಜನ್ಸಿ"ಯು), ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಎಲ್ಲ ಅಧಿಕಾರಗಳನ್ನೂ ಚಲಾಯಿಸುವುದಕ್ಕೂ ಎಲ್ಲ ಕರ್ತವ್ಯಗಳನ್ನು ನಡೆಯಿಸುವುದಕ್ಕೂ ಅಧಿಕಾರವುಳ್ಳುದಾಗಿರತಕ್ಕದು.

(5) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಕೈಕೊಂಡ ಯಾವುದಾದರೂ ಕಾರ್ಯಕ್ರಮದ ಮತ್ತು ಆ ಕಾರ್ಯಕ್ರಮವನ್ನು ಕೈಕೊಳ್ಳಬೇಕಾಗಿ ಬಂದ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣ ವರದಿಯೊಂದನ್ನು ಆದಷ್ಟು ಜಾಗ್ರತೆಯಾಗಿ ಏಂದರೆ ಯಾವ ಸಂದರ್ಭದಲ್ಲಾಗಲಿ, ಆಯಾ ಸಂದರ್ಭಾನುಸಾರ ವಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯನ್ನು (ಏಂದರೆ ಕಾರ್ಪೊರೇಷನನ್ನು) ಅಥವಾ ಖಾಯಂ ಸಮಿತಿ ಯನ್ನು (ಏಂದರೆ ಸ್ಥಾಯಿಾ ಸಮಿತಿಯನ್ನು ರದ್ದುಪಡಿಸಿ ಸಾದರ್ಮಾಡಲ್ಪಟ್ಟ ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ತಾರೀಖಿನಿಂದ ಏನೇ ಆಗಲಿ ಮೂರು ತಿಂಗಳಿಗೆ ಮಿಾರದಂತೆ ಆ ಅವಧಿಯೊಳಗಾಗಿಯೇ ಮೈಸೂರು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಮುಂದಿಡುವಂತೆ ಸರ್ಕಾರದವರು ಏರ್ಪಾಟು ಮಾಡ ತಕ್ಕುದು.

22. ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ ಕರ್ತವ್ಯಗಳು.—ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯವರು, (ಏಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್ ಸಭೆಯವರು).—

a) ವೈದ್ಯಸಹಾಯ ವಿಚಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಂಶಗಳು, ಆ ಸಹಾಯಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕೆ "ಸರ್ಟಿಫೈ" ಮಾಡುವ ವಿಚಾರ, ಮತ್ತು ಇವುಗಳಿಗೆ ಸೇರಿದ ಇತರ ವಿಷಯಗಳು—ಇವುಗಳಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೂ, ಖಾಯಂ ಸಮಿತಿಗೂ ಮತ್ತು ಮೆಡಿಕಲ್ ಕಮಿಾಷನರವರಿಗೂ ಸಲಹೆ ಕೊಡತಕ್ಕುದು.

(b) ವೈದ್ಯ ಸಹಾಯವನ್ನು ಕೊಡುವ ವಿಚಾರದಲ್ಲೂ ಮತ್ತು ಔಷಧೋಪಚಾರಗಳ ನ್ನೊದಗಿಸಿ ನೋಡಿಕೊಳ್ಳುವ ವಿಚಾರದಲ್ಲೂ 'ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟಿಷರು'ಗಳ ಮೇಲೆ ಬರತಕ್ಕ ದೂರುಗಳ ಸಂಬಂಧದಲ್ಲಿ ವಿಧಾಯಕ ಮಾಡಲ್ಪಡಬಹು ದಾದಂಥ ತನಿಖೆಯ ಅಧಿಕಾರಗಳನ್ನೂ ಮತ್ತು ಕರ್ತವ್ಯಗಳನ್ನೂ ಹೊಂದಿರ ತಕ್ಕುದು ; ಮತ್ತು

(c) ವೈದ್ಯ ಸಹಾಯವನ್ನು ಕೊಡುವ ವಿಚಾರದ ಮತ್ತು ಔಷಧೋಪಚಾರಗಳನ್ನೊ ದಗಿಸಿ ನೋಡಿಕೊಳ್ಳುವ ವಿಚಾರದ ಸಂಬಂಧದಲ್ಲಿ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಏಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ ನಮೂದಿಸಿರಬಹುದಾದಂಥ ಇತರ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸತಕ್ಕುದು.

23. ಮುಖ್ಯ ಆಫೀಸರುಗಳ (ಏಂದರೆ "ಪ್ರಿನ್ಸಿಪಲ್ ಆಫೀಸರುಗಳ ಕರ್ತವ್ಯಗಳು.—ಮುಖ್ಯ ಆಫೀಸರುಗಳು ವಿಧಾಯಕಮಾಡಲ್ಪಟ್ಟಿರಬಹುದಾದಂಥ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸತಕ್ಕುದು, ಮತ್ತು ವಿಧಾಯಕ ಮಾಡಲ್ಪಡಬಹುದಾದಂಥ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸತಕ್ಕುದು. ಅಲ್ಲದೆ ಅವರು ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಏಂದರೆ "ರೆಗ್ಯುಲೇಷನು"ಗಳಲ್ಲಿ) ನಮೂದಿಸಲ್ಪಟ್ಟಿರಬಹುದಾದ ಇತರ ಕರ್ತವ್ಯಗಳನ್ನೂ ಸಹ, ನೆರವೇರಿಸತಕ್ಕುದು.

24 ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಲ್ಲಿ (ಏಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಲ್ಲಿ) ನಡೆಯುವ ಕಾರ್ಯಕಲಾಪಗಳು ಅಲ್ಪ ಸ್ವಲ್ಪ ಊನವಾಗಿರುವ ಕಾರಣದಿಂದ ಅಸಿಂಧುವಾಗತಕ್ಕುದಲ್ಲ.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆ (ಏಂದರೆ ಕಾರ್ಪೊರೇಷನ್) ಖಾಯಂ ಸಮಿತಿ (ಏಂದರೆ ಸ್ಥಾಯಿಾ ಸಮಿತಿ) ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ (ಏಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್) ಇವುಗಳಲ್ಲಿ ಯಾವುದೊಂದರ ಯಾವ ಕೆಲಸವೂ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆ ಖಾಯಂ ಸಮಿತಿ ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ—ಇವುಗಳ ರಚನೆಯಲ್ಲಿ ಯಾವುದಾದರೂ ನ್ಯೂನತೆ ಇರುವುದೆಂಬ ಕಾರಣಕ್ಕಾಗಿಯಾಗಲಿ ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಯಾರಾದರೂ ಸದಸ್ಯರು ಅವರ ಯಾವುದೊಂದು ಅನರ್ಹತೆಯ ನಿಮಿತ್ತವಾಗಿ ಅಥವಾ ಅವರನ್ನು "ನಾಮಿನೇಷನ್" ಮೂಲಕ ನೇಮಕ ಮಾಡಿದುದು ಅಥವಾ ಅವರನ್ನು ಚುನಾವಣೆ ಮಾಡಿದುದು ಕ್ರಮಬದ್ಧವಾಗಿಲ್ಲವೆಂಬ ನಿಮಿತ್ತವಾಗಿ ಅವರು ಸದಸ್ಯತ್ವವನ್ನು ಪಡೆಯಲು ಅಥವಾ ಸದಸ್ಯರಾಗಿರಲು ಅಧಿಕಾರವಿಲ್ಲವೆಂಬ ಕಾರಣಕ್ಕಾಗಿಯಾಗಲಿ ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಖಾಯಂ ಸಮಿತಿ ಅಥವಾ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯ ಯಾರಾದರೂ ಸದಸ್ಯರ ಸ್ಥಾನವು ಖಾಲಿ ಬಿದ್ದಾಗ ಕೆಲಸ ನಡೆಯಿತೆಂಬ ಕಾರಣಕ್ಕಾಗಿಯಾಗಲಿ ಅಸಿಂಧುವಾಗ ತಕ್ಕುದಲ್ಲ.

25. ಪ್ರಾದೇಶಿಕ ಬೋರ್ಡುಗಳು, ಸ್ಥಳೀಯ ಸಮಿತಿಗಳು ಪ್ರಾದೇಶಿಕ ಮತ್ತು ಸ್ಥಳೀಯ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಗಳು.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಏಂದರೆ ಕಾರ್ಪೊರೇಷನ್ ನಿರೂಪಣೆಗಳ (ಏಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳ) ಮೇರೆಗೆ ವಿಧಾಯಕ ಮಾಡಿದಂಥ ಪ್ರದೇಶಗಳಲ್ಲಿ ಮತ್ತು ಸಂಖ್ಯೆಗಳಲ್ಲಿ ಪ್ರಾದೇಶಿಕ ಬೋರ್ಡುಗಳನ್ನೂ, ಸ್ಥಳೀಯ ಸಮಿತಿಗಳನ್ನೂ ಮತ್ತು ಪ್ರಾದೇಶಿಕ ಮತ್ತು ವೈದ್ಯ ಸಹಾಯ ಸಭೆಗಳನ್ನೂ ಏರ್ಪಡಿಸಬಹುದು ಮತ್ತು ಅವುಗಳಿಗೆ ನಿರೂಪಣೆಗಳ (ಏಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳ) ಮೇರೆಗೆ ವಿಧಾಯಕ ಮಾಡಿದಂಥ ಅಧಿಕಾರಗಳನ್ನೂ ಮತ್ತು ಕರ್ತವ್ಯ ಗಳನ್ನು ವಹಿಸಿಕೊಡಬಹುದು.

IIIನೆಯ ಅಧ್ಯಾಯ.

ಆಯವ್ಯಯ ಮತ್ತು ಲೆಕ್ಕ ತನಿಖೆ (ಆಡಿಟ್).

26. ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ವಿಮಾನಿಧಿ.—(1) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪಾವತಿ ಮಾಡಲ್ಪಟ್ಟ ಎಲ್ಲಾ ಚಂದಾ ಮೊಬಲಗುಗಳನ್ನೂ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಏಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಪರವಾಗಿ ಸ್ವೀಕರಿಸಲ್ಪಟ್ಟ ಇತರ ಎಲ್ಲಾ ಮೊಬಲಗುಗಳನ್ನೂ ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ ಆಡಳಿತಾಧಿಕಾರ ನಡೆಯಿಸಲ್ಪಡುತ್ತಿರುವ

" ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ವಿಮಾ ನಿಧಿ " ಎಂಬ ನಿಧಿಗೆ ಜಮೆ ಮಾಡತಕ್ಕದು.

(2) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನ್) ಸರ್ಕಾರದವರಿಂದಲಾಗಲಿ, ಯಾವುದಾದರೂ ಸ್ಥಳೀಯ ಅಧಿಕಾರ ಸಂಸ್ಥೆಯವರಿಂದಲಾಗಲಿ ಅಥವಾ ಯಾರಾದರೂ ಒಬ್ಬರು ವ್ಯಕ್ತಿಯಿಂದಲಾಗಲಿ ಅಥವಾ ಅನೇಕ ವ್ಯಕ್ತಿಗಳು ಒಟ್ಟುಗೂಡಿ ಒಂದು ಸಂಘವಾಗಿ ಏರ್ಪಟ್ಟಾಗಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ ಅಂಥ ಸಂಘದಿಂದಲಾಗಲಿ ಗ್ರಾಂಟುಗಳನ್ನು, ಧರ್ಮಾರ್ಥ ದ್ರವ್ಯಗಳನ್ನು (ಎಂದರೆ ಡೊನೇಷನುಗಳನ್ನು) ಮತ್ತು ಕೊಡಿಗೆಗಳನ್ನು ಈ ಆಕ್ಟಿನ ಎಲ್ಲ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಥವಾ ಯಾವುದಾದರೂ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಂಗೀಕರಿಸಬಹುದು.

(3) ಮೇಲೆ ಕಂಡ ನಿಧಿಗೆ ಸೇರಬೇಕಾದ ಅಥವಾ ಪಾವತಿ ಮಾಡಲ್ಪಡಬೇಕಾದ ಎಲ್ಲ ಮೊಬಲಗುಗಳನ್ನು ಈ ವಿಷಯವಾಗಿ ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟಿರುವಂಥ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ ಆಫೀಸರುಗಳು ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದು ; ಮತ್ತು ಆ ಕೂಡಲೆ ಅವರು ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸಂಸ್ಥಾನದ ವಿಮಾನಿಧಿ ಎಂಬ ಬಾಬಿನ ಲೆಕ್ಕಕ್ಕೆ ಜಮಾ ಆಗುವಂತೆ ಸರ್ಕಾರದವರಿಂದ ಅಂಗೀಕೃತವಾಗಿರುವ ಖಜಾನೆಗೆ (ಟ್ರೆಜರಿಗೆ) ಅಥವಾ ಬ್ಯಾಂಕಿಗೆ ಪಾವತಿ ಮಾಡತಕ್ಕದು

(4) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಅನುಮೋದನೆಯನ್ನು ಪಡೆದು ಖಾಯಂ ಸಮಿತಿಯು ಅಧಿಕಾರ ಕೊಟ್ಟಿರುವ ಆಫೀಸರುಗಳು ಅಂಥ ನಿಧಿಯ ಲೆಕ್ಕಕ್ಕೆ ಹಣವನ್ನು ಸೇರಿಸುವ ಮತ್ತು ಅದರಿಂದ ಹಣವನ್ನು ತೆಗೆದುಕೊಂಡು ವಿನಿಯೋಗಿಸುವ ಆಡಳಿತವನ್ನು ನಡೆಯಿಸಬಹುದು.

27. ಈ ನಿಧಿಯ ಹಣವನ್ನು ಖರ್ಚುಮಾಡಬಹುದಾದ ಉದ್ದೇಶಗಳು —ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೂ ಮತ್ತು ಈ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡಿರಬಹುದಾದ ನಿಬಂಧನೆಗಳೇನಾದರೂ ಇದ್ದರೆ ಅವುಗಳಿಗೂ ಒಳಪಟ್ಟು ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ವಿಮಾ ನಿಧಿಯ ಮೊಬಲಗು ಈ ಕೆಳಗೆ ಕಂಡ ಉದ್ದೇಶಗಳಿಗೆ ಮಾತ್ರ ವೆಚ್ಚ ಮಾಡಲ್ಪಡತಕ್ಕದು ; ಆ ಉದ್ದೇಶಗಳ್ ಯಾವುವೆಂದರೆ.—

(i) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರಿಗೆ ಮೊಬಲಗುಗಳು ಪಾವತಿಯಾಗುವುದಕ್ಕೂ, ವೈದ್ಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಒದಗಿಸುವುದಕ್ಕೂ ವೈದ್ಯರು ಅವರನ್ನು ನೋಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಅವರ ಕುಟುಂಬಗಳಿಗೆ ವೈದ್ಯ ಸಹಾಯದ ಸೌಕರ್ಯದೊರೆಯುವಂತೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿರುವ ಪಕ್ಷಕ್ಕೆ ಅಂಥ ಕುಟುಂಬಗಳಿಗೆ ವೈದ್ಯ ಸಹಾಯದ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕೂ ಮತ್ತು ಆ ಸಂಬಂಧದ ಖರ್ಚು ವೆಚ್ಚಗಳಿಗೂ ಹಣವನ್ನೊದಗಿಸುವುದು ;

(ii) ಸಾಂಘಿಕ ಸಂಸ್ಥೆ (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನ್) ಖಾಯಂ ಸಮಿತಿ (ಎಂದರೆ ಸ್ಥಾಯಿ ಸಮಿತಿ) ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ (ಎಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್) ಪ್ರಾದೇಶಿಕ ಬೋರ್ಡುಗಳು, ಸ್ಥಳೀಯ ಸಮಿತಿಗಳು ಮತ್ತು ಪ್ರಾದೇಶಿಕ ಮತ್ತು ಸ್ಥಳೀಯ ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಗಳು ಇವುಗಳ ಸದಸ್ಯರುಗಳಿಗೆ ಕೊಡಬೇಕಾಗಿರುವ ಫೀಜು ಮತ್ತು ಭತ್ಯ (" ಅಲೋಯನ್ಸ್ ") ಗಳಿಗಾಗಿ ಹಣವನ್ನೊದಗಿಸುವುದು ;

(iii) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ಸಂಬಂಧಪಟ್ಟ ಆಫೀಸರುಗಳ ಮತ್ತು ಜವಾನರುಗಳ ಸಂಬಳಗಳು, ರಜದಲ್ಲಿ ಮತ್ತು ಒಂದು ಸ್ಥಳದಿಂದ ಮತ್ತೊಂದು ಸ್ಥಳಕ್ಕೆ ವರ್ಗವಾಗಿರುವಾಗ ಕೆಲಸಕ್ಕೆ ಸೇರುವ ಅವಧಿಯಲ್ಲಿ ಕೊಡುವ ಸಂಬಳದ ಮೊಬಲಗುಗಳು, ಪ್ರಯಾಣ ಭತ್ಯಗಳು ಮತ್ತು ಪರಿಹಾರ ರೂಪದ ಮೊಬಲಗುಗಳು (ಎಂದರೆ " ಕಾಂಪೆನ್ಸೇಟರಿ ಅಲೋಯನ್ಸ್ " ಗಳು) " ಗ್ರಾಚ್ಯುಯಿಟಿ " ಮೊಬಲಗುಗಳು ಮತ್ತು " ಕಂಪ್ಯಾಷನೇಟ್ ಅಲೋಯನ್ಸ್ "ಗಳು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಆಫೀಸರುಗಳಿಗೂ ಮತ್ತು ನೌಕರರಿಗೂ ಏರ್ಪಡಿಸಿರುವ ಪ್ರಾವಿಡೆಂಟ್ ಫಂಡು ಮತ್ತು ಇತರ ಸೌಕರ್ಯಗಳು ನಿಧಿಗಳಿಗೆ ನಿಯತ ಕಾಲಗಳಲ್ಲಿ ಕೊಡಬೇಕಾದ ಮೊತ್ತಗಳು ಮತ್ತು ಆಫೀಸುಗಳ ಸಂಬಂಧದಲ್ಲಿನ ಮತ್ತು ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳನ್ನು ಜಾರಿಗೆ ತರುವ ಉದ್ದೇಶದಿಂದ ಏರ್ಪಡಿಸಿರುವ ಇತರ ಸಿಬ್ಬಂದಿಗಳ ಖರ್ಚು ವೆಚ್ಚಗಳು—ಇವುಗಳಿಗಾಗಿ ಹಣವನ್ನೊದಗಿಸುವುದು.

(iv) ಆಸ್ಪತ್ರೆಗಳನ್ನೂ ಮತ್ತು ಡಿಸ್ಪೆನ್ಸರಿಗಳನ್ನು ಮತ್ತು ಇತರ ಸಂಸ್ಥೆಗಳನ್ನೂ ಏರ್ಪಡಿಸಿ ನಡೆಯಿಸಿಕೊಂಡು ಬರುವುದಕ್ಕಾಗಿ ಆಗುವ ವೆಚ್ಚಗಳಿಗೂ, ವಿಮೆದಾರರಾದ ಕೆಲಸಗಾರರ ಸೌಕರ್ಯಕ್ಕಾಗಿ ವೈದ್ಯ ಸಹಾಯ ಮತ್ತು ತತ್ಸಂಬಂಧವಾದ ಇತರ ಸಹಾಯಗಳನ್ನು ಕಲ್ಪಿಸುವುದಕ್ಕಾಗಿಯೂ, ಮತ್ತು ವಿಮೆದಾರರಾದ ಕೆಲಸಗಾರರ ಕುಟುಂಬಗಳಿಗೆ ವೈದ್ಯ ಸಹಾಯವನ್ನೊದಗಿಸಬೇಕಾದ ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದ್ದರೆ ಆ ಕುಟುಂಬಗಳಿಗೆ ಅದನ್ನೊದಗಿಸುವುದಕ್ಕಾಗಿಯೂ, ಹಣವನ್ನೊದಗಿಸುವುದು ;

(v) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರಿಗೆ ಒದಗಿಸಲಾದ ವೈದ್ಯ ಚಿಕಿತ್ಸೆಗಾಗಿ ಮತ್ತು ಅವರನ್ನು ವೈದ್ಯರು ನೋಡಿಕೊಂಡುದಕ್ಕಾಗಿ ಮತ್ತು ಅವರ ಕುಟುಂಬದವರಿಗೆ ವೈದ್ಯ ಸಹಾಯವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಅವರಿಗೆ

ವೈದ್ಯ ಸಹಾಯವನ್ನೊದಗಿಸಿದುದಕ್ಕಾಗಿ ಸರ್ಕಾರದವರಿಗೆ ಅಥವಾ ಯಾವುದಾದರೂ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಒಂದು ಖಾಸಗಿ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ವ್ಯಕ್ತಿಗೆ ಕೊಡಬೇಕಾದ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನೂ ಮತ್ತು ಒಪ್ಪಂದದ ಮೇರೆಗೆ ಯಾವುದಾದರೂ ಕಟ್ಟಡದ ಮತ್ತು ಕಟ್ಟಡದಲ್ಲಿರತಕ್ಕ ಸಲಕರಣೆಗಳ ವೆಚ್ಚಕ್ಕಾಗಿ ಹಣವನ್ನೊದಗಿಸುವುದು ;

(vi) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಲೆಕ್ಕ ಪರಿಶೋಧನೆಯ (ಆಡಿಟ್) ಮತ್ತು ಅದರ ಲೇಣೆ ದೇಣೆಗಳ ಸ್ಥಿತಿಗತಿಗಳನ್ನು ಪರಿಶೀಲಿಸುವುದೇ ಮುಂತಾದ ವೆಚ್ಚಗಳಿಗೆ (ಎಲ್ಲ ಖರ್ಚುಗಳಿಗೂ ಸಹ) ಹಣವನ್ನೊದಗಿಸುವುದು ;

(vii) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರರ ವಿಮೆಯ ವಿಚಾರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹೋಗಿರತಕ್ಕ ನಡವಳಿಕೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಎಲ್ಲ ವೆಚ್ಚಗಳಿಗೂ ಹಣವನ್ನೊದಗಿಸುವುದು ;

(viii) ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರೇ ಆಗಲಿ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರೇ ಆಗಲಿ), ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯವರೇ ಆಗಲಿ (ಎಂದರೆ ಸ್ಥಾಯಿೀ ಸಮಿತಿಯವರೇ ಆಗಲಿ), ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ ಅಥವಾ ಖಾಯಂ ಸಮಿತಿಯಿಂದ ಈ ವಿಷಯದಲ್ಲಿ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಯಾರಾದರೂ ಆಫೀಸರೇ ಆಗಲಿ ಮಾಡಿಕೊಂಡಿರತಕ್ಕ ಯಾವುದಾದರೂ ಒಪ್ಪಂದದ ಮೇರೆಗೆ ಕೊಡಬೇಕಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ ಮೊತ್ತಗಳ ಪಾವತಿಗೆ ಹಣವನ್ನೊದಗಿಸುವುದು ;

(ix) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ವಿರೋಧವಾಗಿ ಅಥವಾ ಅದರ ಯಾರಾದರೂ ಆಫೀಸರು ಅಥವಾ ನೌಕರರು ತಮ್ಮ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವಾಗ ಮಾಡಿದ ಯಾವುದಾದರೂ ಕೆಲಸಕ್ಕಾಗಿ ಅವರಿಗೆ ವಿರೋಧವಾಗಿ ಯಾವುದಾದರೂ ಕೋರ್ಟಿನಿಂದ, ಅಥವಾ ತೀರ್ಪು ಕೊಡತಕ್ಕ ಇತರರಿಂದ (ಟ್ರಿಬುನಲ್‌ರವರಿಂದ) ಕೊಡಲ್ಪಟ್ಟ ಡಿಕ್ರಿಯಂತೆ, ಹುಕುಮಿನಂತೆ ಅಥವಾ "ಅವಾರ್ಡು" ತೀರ್ಪಿನಂತೆ ಕೊಡಬೇಕಾದ ಮೊಬಲಗನ್ನೂ ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ವಿರೋಧವಾಗಿ ದಾಖಲಾಗಿದ್ದ ಯಾವುದಾದರೂ ದಾವೆಯಲ್ಲಿ ಅಥವಾ ಇತರ ಕೋರ್ಟು ವ್ಯವಹರಣೆಯಲ್ಲಿ ಅಥವಾ ಹಕ್ಕು ಸಾಧನೆಯ ಮನವಿಯ ಸಂಬಂಧದಲ್ಲಿ ಮಾಡಿಕೊಳ್ಳಲಾದ ರಾಜಿ ಅಥವಾ ಒಪ್ಪಂದದ ಮೇರೆಗೆ ಕೊಡಲ್ಪಡಬೇಕಾಗಿರತಕ್ಕ ಮೊಬಲಗನ್ನೊದಗಿಸುವುದು ;

(x) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಯಾವುದಾದರೂ ಕಾರ್ಯಕ್ರಮವನ್ನು ಕೈಕೊಂಡ ಪರಿಣಾಮವಾಗಿ ಸಂಭವಿಸತಕ್ಕ ಯಾವುದಾದರೂ ಸಿವಿಲ್ ಅಥವಾ ಕ್ರಿಮಿನಲ್ ಕೋರ್ಟು ವ್ಯವಹರಣೆಗಳನ್ನು ಹೂಡುವುದರ ಮತ್ತು ಹೂಡಲ್ಪಟ್ಟ ಅಂಥ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ಪ್ರತಿವಾದ ಮಾಡುವುದರ ಸಂಬಂಧದಲ್ಲಿ ತಗಲತಕ್ಕ ವೆಚ್ಚಗಳಿಗಾಗಿ ಅಥವಾ ಇತರ ಚಾರ್ಜುಗಳಿಗಾಗಿ ಹಣವನ್ನೊದಗಿಸುವುದು ;

(xi) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರ ಆರೋಗ್ಯಾಭಿವೃದ್ಧಿಯ ಮತ್ತು ಹಿತಸಾಧನೆಯ ಏರ್ಪಾಡುಗಳಿಗಾಗಿಯೂ ಮತ್ತು ವಿಮೆ ಮಾಡಿರುವ ಕೆಲಸಗಾರರಲ್ಲಿ ದೇಹ ದೌರ್ಬಲ್ಯಕ್ಕೆ ಗುರಿಯಾಗಿರುವವರಿಗೆ ದೇಹ ಪುಷ್ಟಿಯನ್ನುಂಟುಮಾಡುವ ಮತ್ತು ಜಖಮುಗಳಿಗೆ ಗುರಿಯಾಗಿರುವವರನ್ನು ಮತ್ತೆ ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳುವ ಏರ್ಪಾಡುಗಳಿಗಾಗಿಯೂ ವಿಧಾಯಕವಾದ ಪರಿಮಿತಿಗೊಳಪಟ್ಟು ಹಣವನ್ನೊದಗಿಸುವುದು ; ಮತ್ತು

(xii) ಸರ್ಕಾರದವರ ಪೂರ್ವಭಾವಿಯಾದ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿನವರು) ಅಧಿಕಾರ ಕೊಡಬಹುದಾದ ಇತರ ಕಾರ್ಯಗಳಿಗೆ ಹಣವನ್ನೊದಗಿಸುವುದು.

28. ಸ್ವತ್ತುಗಳೇ ಮೊದಲಾದುವುಗಳನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವುದು:—ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡಬಹುದಾದಂಥ ಷರತ್ತಿನ ನಿಯಮಗಳಿಗೊಳಪಟ್ಟು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿನವರು) ಚರ ಮತ್ತು ಸ್ಥಿರ ಸ್ವತ್ತುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಬಹುದು (ಎಂದರೆ "ಅಕ್ವೈರ್" ಮಾಡಿಕೊಳ್ಳಬಹುದು) ಮತ್ತು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬಹುದು, ಮತ್ತು ತಮ್ಮಲ್ಲಿ ಹಕ್ಕು ನೆಲಸಿರತಕ್ಕ ಅಥವಾ ತಾವು ವಶಪಡಿಸಿಕೊಂಡಿರಬಹುದಾದ ಯಾವುವಾದರೂ ಚರ ಸ್ವತ್ತುಗಳನ್ನೂ ಮತ್ತು ಸ್ಥಿರ ಸ್ವತ್ತುಗಳನ್ನೂ ಮಾರಾಟ ಮಾಡಬಹುದು ಅಥವಾ ಬೇರೆ ರೀತಿಯಲ್ಲಿ ವಿಲೇಮಾಡಿ ವರ್ಗಾಯಿಸಬಹುದು ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನು, ಯಾವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಏರ್ಪಟ್ಟಿದೆಯೋ ಆ ಉದ್ದೇಶಗಳ ಸಾಧನೆಗಾಗಿ ಅವಶ್ಯಕವಾದ ಎಲ್ಲ ಕೆಲಸಗಳನ್ನೂ ನಡೆಯಿಸಬಹುದು.

(2) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಮಾಡಬೇಕಾದ ನ್ಯಾಯವಾದ ವೆಚ್ಚಗಳಿಗೆ ಕೂಡಲೆ ಆವಶ್ಯಕವಾಗಿಲ್ಲದೆ ಉಳಿದಿರತಕ್ಕ ಯಾವುದಾದರೂ ಹಣವನ್ನು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಸರ್ಕಾರದವರಿಂದ ವಿಧಾಯಕಮಾಡಲ್ಪಡಬಹುದಾದ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಲಾಭದಾಯಕವಾಗಿ ವಿನಿಯೋಗಿಸಬಹುದು ; ಮತ್ತು ಮೇಲೆ ಹೇಳಿದಂತೆ ಸರ್ಕಾರದವರಿಂದ ವಿಧಾಯಕಮಾಡಲ್ಪಡಬಹುದಾದ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಆಗಿಂದಾಗ್ಗೆ ಆ ಹಣವನ್ನು ಬೇರೆ

ರೀತಿಯಲ್ಲಿ ಲಾಭದಾಯಕವಾಗಿ ಪುನರ್ವಿನಿಯೋಗ ಮಾಡಬಹುದು ಮತ್ತು ಹಾಗೆ ವಿನಿಯೋಗಿಸಿದ್ದ ಹಣವನ್ನು ಹಿಂದಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬಹುದು.

(3) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿನವರು) ಸರ್ಕಾರದವರ ಪೂರ್ವಭಾವಿಯಾದ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆದು ಮತ್ತು ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡಬಹುದಾದ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಸಾಲಗಳನ್ನು ಎತ್ತಬಹುದು ಮತ್ತು ಅಂಥ ಸಾಲಗಳನ್ನು ತೀರಿಸಲು ಏರ್ಪಾಡುಗಳನ್ನು ಮಾಡಬಹುದು.

(4) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಅವರ ಸಿಬ್ಬಂದಿಯವರ ಅಥವಾ ಸಿಬ್ಬಂದಿಯಲ್ಲಿ ಯಾವುದಾದರೂ ತರಗತಿಯವರ ಸೌಕರ್ಯಕ್ಕಾಗಿ ತಮಗೆ ಸೂಕ್ತವೆಂದು ಕಂಡು ಬರತಕ್ಕ ಪ್ರಾವಿಡೆಂಟ್ ಫಂಡನ್ನೋ ಅಥವಾ ಅನುಕೂಲವನ್ನೊದಗಿಸಬಹುದಾದ ಇತರ ಯಾವುದಾದರೂ ಫಂಡನ್ನೋ ಏರ್ಪಡಿಸಬಹುದು.

29. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿನವರು) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಆಡಳಿತದ ವೆಚ್ಚವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ವಿಧಾಯಕವಾದಂಥ ನಿಬಂಧನೆಗಳಿಗೊಳಪಟ್ಟು ಸರ್ಕಾರದವರಿಂದ ಸಾಲಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬಹುದು ಮತ್ತು ಸಾಲಗಳನ್ನು ತೀರಿಸಬಹುದು.

30. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಸ್ವತ್ತಿನ ಮಾಲೀಕತೆ:—ಒಂದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನು) ಏರ್ಪಾಡಾಗುವುದಕ್ಕೆ ಪೂರ್ವಭಾವಿಯಾಗಿ "ಅಕ್ವೈರ್" ಮಾಡಿಕೊಳ್ಳಲ್ಪಟ್ಟ ಸ್ವತ್ತೆಲ್ಲವೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೇ ಸೇರತಕ್ಕದು. ಮತ್ತು ಈ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಬರತಕ್ಕ ಎಲ್ಲ ವರಮಾನವನ್ನೂ ಮತ್ತು ಆಗಬಹುದಾದ ಎಲ್ಲ ವೆಚ್ಚವನ್ನೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಆದಾಯ ವೆಚ್ಚಗಳ ಲೆಕ್ಕಕ್ಕೇ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದು.

31. ಸರ್ಕಾರದವರಿಂದ ಮಾಡಲ್ಪಟ್ಟ ವೆಚ್ಚಗಳನ್ನು ಸಾಲವೆಂದು ಭಾವಿಸುವುದು:—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನು) ಏರ್ಪಾಡಾಗುವವರೆಗೂ ಅದನ್ನು ಏರ್ಪಡಿಸುವುದಕ್ಕಾಗಿ ಮತ್ತು ಏರ್ಪಡಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರದವರು ಮಾಡಿರತಕ್ಕ ವೆಚ್ಚವೆಲ್ಲವನ್ನೂ ಆ ಸಾಂಘಿಕ ವ್ಯವಸ್ಥೆಗೆ ಸರ್ಕಾರದವರು ಕೊಟ್ಟಿರತಕ್ಕ ಸಾಲವೆಂದು ಭಾವಿಸತಕ್ಕದು. ಮತ್ತು ಆ ಸಾಲವನ್ನು ಸರ್ಕಾರದವರು ವಿಧಾಯಕಮಾಡತಕ್ಕ ರೀತಿಯಲ್ಲಿ ತೀರಿಸತಕ್ಕದು.

32. ಬಡ್ಜೆಟ್ ಅಂದಾಜು—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು, (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನ್) ಪ್ರತಿ ವರ್ಷವೂ, ಮುಂದಿನ ವರ್ಷ ಪ್ರಾಯಶಃ ಬರಬಹುದಾದ ಆದಾಯ ಮತ್ತು ವಹಿಸಬೇಕೆಂದಿರುವ ಸುಮಾರು ವೆಚ್ಚ ಇವುಗಳು ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ಅಂದಾಜಾ ಪಟ್ಟಿಯನ್ನು (ಬಡ್ಜೆಟ್ಟನ್ನು) ತಯಾರಿಸತಕ್ಕದು ; ಮತ್ತು ಸರ್ಕಾರದವರು ಈ ಸಂಬಂಧದಲ್ಲಿ ಗೊತ್ತುಮಾಡಬಹುದಾದ ತಾರೀಖಿಗೆ ಮುಂಚಿತವಾಗಿ ಸರ್ಕಾರದವರ ಅನುಮೋದನೆಗಾಗಿ ಬಡ್ಜೆಟ್ಟಿನ ನಕಲೊಂದನ್ನು ಕಳುಹಿಸಕೊಡತಕ್ಕದು. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು ತೀರಿಸಬೇಕಾಗಿರತಕ್ಕ ದೇಣಿಗಳನ್ನು ತೀರಿಸುವುದಕ್ಕೂ ಮತ್ತು ಕೆಲಸ ನಡೆಯಿಸಿಕೊಂಡು ಹೋಗುವುದಕ್ಕೆ ಬೇಕಾದ ಶಿಲ್ಕನ್ನು ಇಟ್ಟಿರುವುದಕ್ಕೂ ಸಾಕಾದಷ್ಟು ಹಣವನ್ನು ಬಡ್ಜೆಟ್ಟಿನಲ್ಲಿ ಒದಗಿಸಿರತಕ್ಕದು.

33. ಲೆಕ್ಕಗಳು.—ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡಬಹುದಾದ ನಮೂನೆಯಲ್ಲಿ ಮತ್ತು ರೀತಿಯಲ್ಲಿ ಸಾಂಘಿಕ ವ್ಯವಸ್ಥೆಯು ತನಗೆ ಬರತಕ್ಕ ಆದಾಯ ಮತ್ತು ನಿರ್ವಹಿಸಬೇಕಾದ ವೆಚ್ಚ—ಇವುಗಳ ಸರಿಯಾದ ಲೆಕ್ಕವನ್ನಿಡತಕ್ಕದು.

34. "ಆಡಿಟ್" ತನಿಖೆ:—(1) ವಿಧಾಯಕ ಮಾಡಲ್ಪಡುವ ಕಾಲಗಳಲ್ಲಿ ಮತ್ತು ರೀತಿಗಳಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ, ಲೆಕ್ಕಗಳು ಸರ್ಕಾರದವರಿಂದ ನೇಮಕವಾದ ಆಡಿಟರುಗಳಿಂದ ತನಿಖೆ ಮಾಡಲ್ಪಡತಕ್ಕದು.

(2) ಯುಕ್ತವಾದ ಯಲ್ಲಾ ಕಾಲಗಳಲ್ಲೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಪುಸ್ತಕಗಳು, ಲೆಕ್ಕಗಳು ಮತ್ತು ಇತರ ದಸ್ತಾವೇಜುಗಳನ್ನು ಪರಿಶೀಲಿಸುವುದಕ್ಕೆ ಆಡಿಟರುಗಳಿಗೆ ಅವಕಾಶ ಕೊಡಲ್ಪಡತಕ್ಕದು. ಮತ್ತು ಅವರು 'ಆಡಿಟ್' ತನಿಖೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ತಮಗೆ ಬೇಕಾಗಬಹುದಾದಂಥ ವಿವರಣೆಯನ್ನಾಗಲಿ, ಸಂಗತಿಯನ್ನಾಗಲಿ ಕೇಳಬಹುದು; ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಯಾವ ಮುಖ್ಯ ಆಫೀಸರನ್ನು ಅಥವಾ ಇತರ ಆಫೀಸರನ್ನು ಪ್ರಶ್ನಿಸಬಹುದು.

(3) ಆಡಿಟರುಗಳು ತಮ್ಮ ವರದಿಯ ಒಂದು ನಕಲನ್ನೂ ಮತ್ತು ಅದರ ಜೊತೆಗೆ ಆಡಿಟ್ ತನಿಖೆ ಮಾಡಿದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಲೆಕ್ಕ ವಿವರಗಳ ನಕಲೊಂದನ್ನು ಸರ್ಕಾರದವರಿಗೆ ಕಳುಹಿಸಿಕೊಡತಕ್ಕದು.

(4) ಸರ್ಕಾರದವರಿಂದ ನಿರ್ಧರಿಸಲ್ಪಟ್ಟ ಮೇರೆಗೆ ಇರತಕ್ಕ 'ಆಡಿಟ್' ತನಿಖೆಯ ವೆಚ್ಚವನ್ನು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಹಣದಿಂದ ಸಲ್ಲಿಸತಕ್ಕದು.

35. ವಾರ್ಷಿಕ ವರದಿ:—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿನವರು ತಮ್ಮ, ಕಾರ್ಯಕಲಾಪಗಳ ವಾರ್ಷಿಕ ವರದಿಯೊಂದನ್ನು ಸರ್ಕಾರದವರಿಗೆ ಒಪ್ಪಿಸತಕ್ಕದು.

36. ಬಡ್ಜೆಟ್ ಅಂದಾಜು, ಆಡಿಟ್ ಮಾಡಲ್ಪಟ್ಟ ಲೆಕ್ಕಗಳು ಮತ್ತು ವಾರ್ಷಿಕ ವರದಿ, ಇವುಗಳು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಮುಂದೆ ತರಲ್ಪಡುವುದು:—ವಾರ್ಷಿಕ ವರದಿಯೂ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) 'ಆಡಿಟ್' ಆದ ಲೆಕ್ಕಗಳೂ ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು ಆಖೈರಾಗಿ ಒಪ್ಪಿದ ಬಡ್ಜೆಟ್ ಅಂದಾಜೂ ಮೈಸೂರು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಮುಂದೆ ತರಲ್ಪಡತಕ್ಕದು ; ಮತ್ತು ಅವು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸಲ್ಪಡತಕ್ಕದು.

37. ಲೇಣಿ ದೇಣಿಗಳ ಮೌಲ್ಯವನ್ನು ನಿರ್ಧರಿಸುವುದು.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಪ್ರತಿ ಐದು ವರ್ಷಗಳ ಅವಧಿಗೊಂದೊಂದು ಸಲ ಸರ್ಕಾರದವರು

ಅನುಮೋದನೆಯ ಮೇಲೆ ನೇಮಕ ಮಾಡಿದ ಬೆಲೆ ಕಟ್ಟುವವರಿಂದ ತನ್ನ ಸ್ವತ್ತುಗಳ ಮತ್ತು ದೇಣಿಗಳ ಮೌಲ್ಯವನ್ನು ನಿಗದಿ ಮಾಡಿಸತಕ್ಕುದು.

ಪರಂತು, ಸರ್ಕಾರದವರಿಗೆ ಆವಶ್ಯಕವೆಂದು ಕಂಡುಬರಬಹುದಾದ ಬೇರೆ ಕಾಲಗಳಲ್ಲೂ ಸರ್ಕಾರದವರು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಲೇಣಿ ದೇಣಿಗಳ ಮೌಲ್ಯವು ನಿರ್ಧರವಾಗಬೇಕೆಂದು ಅಪ್ಪಣೆ ಮಾಡುವುದಕ್ಕೂ ಸರ್ಕಾರದವರಿಗೆ ಅವಕಾಶವಿರತಕ್ಕುದು.

IVನೆಯ ಅಧ್ಯಾಯ

ಸಹಾಯ ದ್ರವ್ಯಗಳು ("ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳು)

38. ಎಲ್ಲಾ ಕೆಲಸಗಾರರೂ ವಿಮೆ ಮಾಡುವ ಏರ್ಪಾಡು ಆಗಿರತಕ್ಕುದು:—ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೊಳಪಟ್ಟು, ಈ ಆಕ್ಟು ಅನ್ವಯಿಸತಕ್ಕ ಕಾರ್ಖಾನೆಗಳಲ್ಲೂ, ವ್ಯವಸ್ಥೆಗಳಲ್ಲೂ ಇರತಕ್ಕ ಎಲ್ಲ ಕೆಲಸಗಾರರುಗಳ ವಿಷಯದಲ್ಲೂ, ಈ ಆಕ್ಟಿನಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರತಕ್ಕ ವಿಧಾನದಲ್ಲಿ ವಿಮೆ ಏರ್ಪಾಡು ಆಗಿರತಕ್ಕುದು.

39. ಸಹಾಯ ದ್ರವ್ಯಗಳು (ಎಂದರೆ "ಕಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳು).—(1) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಒಬ್ಬ ಕೆಲಸಗಾರನ ಸಂಬಂಧವಲ್ಲಿ ಕೊಡಬೇಕಾಗುವ ಎಂದರೆ, (ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊಬಲಗಿನಲ್ಲಿ), ಯಜಮಾನನು ಕೊಡಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯವೂ ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊಬಲಗೂ (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ಯಜಮಾನನ ಸಹಾಯದ್ರವ್ಯ ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಎಂದು ಕರೆಯಲಾಗಿದೆ) ಮತ್ತು ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ಸಹಾಯದ್ರವ್ಯವೂ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗೂ (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ಕೆಲಸಗಾರನ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಎಂದು ಕರೆಯಲಾಗಿದೆ) ಸೇರಿರುತ್ತವೆ. ಈ ಸಹಾಯ ದ್ರವ್ಯದ (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳನ್ನು) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಪಾವತಿ ಮಾಡತಕ್ಕುದು.

(2) ಸಹಾಯ ದ್ರವ್ಯಗಳನ್ನು "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳನ್ನು ಒಂದನೆಯ ಷೆಡ್ಯೂಲ್ ಪಟ್ಟಿಯಲ್ಲ ನಮೂದಿಸಿರತಕ್ಕ ದರಗಳಲ್ಲಿ ಪಾವತಿ ಮಾಡತಕ್ಕುದು. ಮತ್ತು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಬರುವ ಕೆಲವು ಅನುಕೂಲಗಳು ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆಯ ಅಥವಾ ಇತರ ವ್ಯವಸ್ಥೆಯ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಕಾರ್ಖಾನೆಗಳ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ವ್ಯವಸ್ಥೆಗಳ ಯಾವನಾದರೂ ಕೆಲಸಗಾರನಿಗೆ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಕೆಲಸಗಾರರಿಗೆ ಇಲ್ಲದಂತಿರುವ ಮೇರೆಗೆ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಅವರಿಗೆ ಅನ್ವಯಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಅಂಥವರ ವಿಷಯದಲ್ಲ ನಿಗದಿ ಮಾಡಿರತಕ್ಕ ದರಗಳಲ್ಲಿ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಪಾವತಿ ಮಾಡಲ್ಪಡತಕ್ಕುದು.

(3) ಒಂದು ವಾರವು ಒಂದು ಯೂನಿಟ್ಟಾಗಿರತಕ್ಕುದು ಮತ್ತು ವಾರವಾರವೂ ಎಲ್ಲ ಸಹಾಯ ದ್ರವ್ಯಗಳೂ (ಎಂದರೆ, ಎಲ್ಲ ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊಬಲಗುಗಳೂ) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪಾವತಿಯಾಗತಕ್ಕುದು.

(4) ಪ್ರತಿವಾರಕ್ಕೂ ಪಾವತಿಯಾಗುವ ಸಹಾಯದ್ರವ್ಯಕ್ಕೂ (ಎಂದರೆ, "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳಿಗೂ) ವಾಯಿದೆ ದಿವಸವು ಸಾಮಾನ್ಯವಾಗಿ ವಾರದ ಕಡೇ ದಿವಸ ಬೀಳತಕ್ಕುದು ಮತ್ತು ಒಬ್ಬ ಕೆಲಸಗಾರನನ್ನು ಒಂದು ವಾರದ ಸ್ವಲ್ಪ ಭಾಗ ಮಾತ್ರ ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿದ್ದರೆ ಅಥವಾ ಒಂದೇ ವಾರದಲ್ಲಿ ಇಬ್ಬರು ಅಥವಾ ಅದಕ್ಕಿಂತಲೂ ಹೆಚ್ಚುಮಂದಿ ಯಜಮಾನರುಗಳ ಕೈಕೆಳಗೆ ಒಬ್ಬ ಕೆಲಸಗಾರನನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿದ್ದರೆ, ಪಾವತಿಯಾಗಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯಗಳಿಗೆ (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳಿಗೆ) ವಾಯಿದೆ ದಿವಸವು, ನಿರೂಪಣೆಗಳಲ್ಲಿ ಎಂದರೆ ರೆಗ್ಯುಲೇಷನ್ನುಗಳಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕಂಥ ದಿವಸಗಳಲ್ಲ ಬೀಳತಕ್ಕುದು.

40. ಕೆಲಸಗಾರರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುವ ಮುಖ್ಯ ಯಜಮಾನನು ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳನ್ನು) ಮೊದಲು ಪಾವತಿಮಾಡುವುದು—(i) ಕೆಲಸಗಾರರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುವ ಮುಖ್ಯ ಯಜಮಾನನು, ಅವನೇ ಕೆಲಸಗಾರನನ್ನು ನೇರವಾಗಿ ಕೆಲಸಕ್ಕೆ ನೇಮಕಮಾಡಿಕೊಂಡಿದ್ದರೂ ಅಥವಾ ಕೆಲಸಕ್ಕೆತೆಗೆದುಕೊಳ್ಳುವ ಬೇರೊಬ್ಬ ಯಜಮಾನನಿಂದ ಅಥವಾ ಅವನ ಮೂಲಕ ಕೆಲಸಗಾರರು ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಲ್ಪಟ್ಟಿದ್ದರೂ ಸಹ, ಅಂಥ ಪ್ರತಿಯೊಬ್ಬ ಕೆಲಸಗಾರನಿಗೂ, ಯಜಮಾನನು ಪಾವತಿ ಮಾಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನೂ) ಮತ್ತು ಕೆಲಸಗಾರರು ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯದ (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳನ್ನೂ) ಸಹ, ಮುಖ್ಯ ಯಜಮಾನನೇ ಕೊಡತಕ್ಕುದು.

(2) ಬೇರೆ ಯಾವುದಾದರೂ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಅಡಕವಾಗಿದ್ದರೂ ಸರಿಯೆ, ಆದರೆ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೆ ಮತ್ತು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ರಚಿತವಾಗಿರುವ ಯಾವುದಾದರೂ ನಿರೂಪಣೆಗಳು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳು ಯಾವುದಾದರೂ ಇದ್ದರೆ ಅವುಗಳಿಗೆ ಒಳಪಟ್ಟು, ಯಜಮಾನನು, ಅವನೇ ನೇರವಾಗಿ ನೇಮಕ ಮಾಡಿಕೊಂಡಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ (ಎಂದರೆ ವಿನಾಯಿತಿಯನ್ನು ಪಡೆದಿಲ್ಲದಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ), ಕೆಲಸಗಾರನ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದಿಂದ ವಜಾ ಹಾಕುವುದರಿಂದಲೇ ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ಸಹಾಯದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನೂ) ಕೆಲಸಗಾರನಿಂದ ವಸೂಲ್ಮಾಡಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕುದು ಮತ್ತು ಬೇರೆ ಯಾವ ರೀತಿಯಲ್ಲಿಯೂ ಅದನ್ನು ವಸೂಲ್ಮಾಡತಕ್ಕುದಲ್ಲ.

ಪರಂತು, ಒಂದು ಅವಧಿಗೆ ಅಥವಾ ಒಂದು ಅವಧಿಯ ಭಾಗಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗಲ್ಲದೇ ಬೇರೆ ಯಾವುದನ್ನಾಗಲಿ ಅಥವಾ ಆ ಅವಧಿಗೆ ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗಿಗೆ ಸಮವಾದ ಮೊತ್ತಕ್ಕಿಂತಲೂ ಹೆಚ್ಚಾಗಿ ಯಾವ ಮೊತ್ತವನ್ನಾಗಲಿ ಆ ಅವಧಿಯ ಕೂಲಿಯ ಅಥವಾ ಸಂಬಳದ ಹೊರತು ಮತ್ತಾವ ಅವಧಿಯ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದಿಂದಲೂ ಆ ರೀತಿಯಲ್ಲಿ ವಜಾ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(3) ಇದಕ್ಕೆ ವಿರೋಧವಾಗಿ ಯಾವ ಒಪ್ಪಂದವನ್ನು ಮಾಡಿಕೊಂಡಿದ್ದರೂ ಸರಿಯೆ, ಯಜಮಾನನು ಕೊಡಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು) ಒಬ್ಬ ಕೆಲಸಗಾರನಿಗೆ ಪಾವತಿಯಾಗಬೇಕಾದ ಯಾವ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದಿಂದಲೂ ವಜಾಹಾಕಲು ಅಥವಾ ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಅವನಿಂದ ವಸೂಲ್ಮಾಡಲು, ಕೆಲಸಗಾರರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಳ್ಳುವ ಮುಖ್ಯ ಯಜಮಾನನು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

(4) ಕೆಲಸಗಾರರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುವ ಮುಖ್ಯ ಯಜಮಾನನು, ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯದ ಎಂದರೆ (''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗಿನ ಸಂಬಂಧದಲ್ಲಿ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದಿಂದ ಹಿಡಿದುಕೊಂಡ ಯಾವುದಾದರೂ ಮೊತ್ತವು, ಕೆಲಸಗಾರನು ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು ಕೊಡುವುದಕ್ಕಾಗಿ ತನ್ನ ವಶಕ್ಕೆ ಕೊಡಲ್ಪಟ್ಟ ಮೊಬಲಗೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(5) ಈ ವಿಷಯವಾಗಿ ರಚಿತವಾಗಿರುವ ಯಾವುದಾದರೂ ನಿರೂಪಣೆಗಳಿಗೆ (ಎಂದರೆ, ರೆಗ್ಯುಲೇಷನುಗಳಿಗೆ) ಒಳಪಟ್ಟು, ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗುಗಳನ್ನು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ಕಳುಹಿಸುವುದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚಗಳನ್ನು ಮುಖ್ಯ ಯಜಮಾನನೇ ವಹಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

41. ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಂದ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು) ವಸೂಲ್ಮಾಡುವುದು.—(1) ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಂದ ಅಥವಾ ಅವನ ಮೂಲಕ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರುವ ಒಬ್ಬ ಕೆಲಸಗಾರನಿಂದ ಕೊಡಲ್ಪಡಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು) ಕೊಟ್ಟಿರುವ ಯಾವನೊಬ್ಬ ಮುಖ್ಯ ಯಜಮಾನನು, ಯಾವುದಾದರೂ ಒಪ್ಪಂದದ ಮೇರೆಗೆ ಮುಖ್ಯ ಯಜಮಾನನು ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಗೆ ತಾನು ಕೊಡಬೇಕಾದ ಯಾವುದಾದರೂ ಮೊಬಲಗಿನಿಂದ ಉತ್ತಾರ ಹಾಕುವುದರಿಂದಾಗಲಿ ಅಥವಾ ಸದರಿ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನು ಕೊಡಬೇಕಾಗಿರುವ ಸಾಲವಾಗಿಯಾಗಲಿ, ಹಾಗೆ ಪಾವತಿ ಮಾಡಿದ ಕಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊತ್ತವನ್ನು (ಎಂದರೆ, ಯಜಮಾನನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗು ಮತ್ತು ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗು ಯಾವುದಾದರೂ ಇದ್ದಲ್ಲಿ ಅದು ಇವೆರೆಡರ ಮೊತ್ತವನ್ನು) ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಂದ ವಸೂಲ್ಮಾಡಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕದ್ದು.

(2) ಮೇಲಿನ (1)ನೆಯ ಒಳ ಪ್ರಕರಣದಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸಂದರ್ಭದಲ್ಲಿ, ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಂದ ಅಥವಾ ಅವನ ಮೂಲಕವಾಗಿ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರುವ ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು 40 ನೆಯ ಪ್ರಕರಣದ (2) ಮತ್ತು (3) ನೆಯ ಒಳ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಮೂದಿಸಿರುವ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು, ಕೂಲಿಯಿಂದ ವಜಾಹಾಕುವುದರಿಂದ, ಸದರಿ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನು ಆ ಕೆಲಸಗಾರನಿಂದ ವಸೂಲ್ಮಾಡಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಬೇರೆ ಯಾವ ರೀತಿಯಲ್ಲಿಯೂ ಅದನ್ನು ವಸೂಲ್ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

ವಿವರಣೆ:—40 ಮತ್ತು 41ನೆಯ ಪ್ರಕರಣಗಳ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಧಿಕೃತವಾದ ರಜದ, ಅಡ್ಡಿಕಟ್ಟಿನ (ಎಂದರೆ 'ಲಾಕ್ ಔಟಿನ') ಅಥವಾ ಕಾನೂನಿಗೆ ಸಮ್ಮತವಾದ ಮುಷ್ಕರದ ಯಾವುದಾದರೂ ಅವಧಿಯ ಸಂಬಂಧದಲ್ಲಿ ಒಬ್ಬ ಕೆಲಸಗಾರನಿಗೆ ಕೊಡಬೇಕಾದ ಕೂಲಿಯು ಸಂಬಳದ ಮೊಬಲಗಿನಲ್ಲಿ ಸೇರಿರುವುದಾಗಿ ಪರಿಗಣಿಸಲ್ಪಡತಕ್ಕದ್ದು.

42. ಸಹಾಯ ದ್ರವ್ಯಗಳನ್ನು (ಎಂದರೆ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗುಗಳನ್ನು) ಕೊಡುವುದಕ್ಕೆ ಸಾಮಾನ್ಯವಾದ ನಿಯಮಗಳು—(1) ಒಬ್ಬ ಕೆಲಸಗಾರನ ಸರಾಸರಿ ದಿನಗೂಲಿಯು ಒಂದು ರೂಪಾಯಿಗಿಂತಲೂ ಕಡಿಮೆಯಾಗಿದ್ದರೆ, ಅಂಥ ಕೆಲಸಗಾರನಾಗಲಿ ಅಥವಾ ಆ ಕೆಲಸಗಾರನ ಪರವಾಗಿಯಾಗಲಿ, ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾಗಿರುವ ಯಾವ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನೂ ಕೊಡತಕ್ಕದ್ದಲ್ಲ.

ವಿವರಣೆ.—ಒಬ್ಬ ಕೆಲಸಗಾರನ ಸರಾಸರಿ ದಿನಗೂಲಿಯನ್ನು, ಒಂದನೆಯ ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ ಲೆಕ್ಕ ಹಾಕತಕ್ಕದ್ದು.

(2) ಕೆಲಸಗಾರರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುವ ಮುಖ್ಯ ಯಜಮಾನನು, ಒಂದು ವಾರದ ಪೂರ್ತಿಯಾಗಿ ಅಥವಾ ಒಂದು ವಾರದ ಸ್ವಲ್ಪ ಭಾಗಕ್ಕೆ ಒಬ್ಬ ಕೆಲಸಗಾರನನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುವ ಪ್ರತಿ ವಾರಕ್ಕೂ, ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊಬಲಗನ್ನು (ಎಂದರೆ ಕೆಲಸಗಾರರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುವ ಯಜಮಾನನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು ಮತ್ತು ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗನ್ನು) ಕೊಡತಕ್ಕದ್ದು.

(3) ಕೆಲಸಗಾರನಿಗೆ ವಾರದಲ್ಲಿ ಸ್ವಲ್ಪ ದಿನಗಳಿಗೆ ಮಾತ್ರ ಯಜಮಾನನಿಂದ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವು ಕೊಡಲ್ಪಡಬೇಕಾಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಆ ವಾರದಲ್ಲಿ ಯಜಮಾನನು ಕೊಡಬೇಕಾದ ''ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗು ಮತ್ತು ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ

"ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು—ಇವೆರಡನ್ನೂ ಪೂರ್ತಿಯಾಗಿ ಯಜಮಾನನೇ ಕೊಡಲು ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು; ಆದರೆ ಕೆಲಸಗಾರನು ಕೊಡಬೇಕಾದ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ಕೆಲಸಗಾರನಿಂದ ವಸೂಲು ಮಾಡಲು ಅವನಿಗೆ ಹಕ್ಕಿರತಕ್ಕದು.

(4) ಕೆಲಸಗಾರನು ಕೆಲಸವನ್ನೇ ಮಾಡಿಲ್ಲದಿರುವ ಮತ್ತು ಅವನಿಗೆ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವೇ ದೊರೆಯದಿರುವ ಯಾವುದೊಂದು ವಾರದಲ್ಲಾಗಲಿ ಅವನ ಸಂಬಂಧವಾಗಿ ಸಹಾಯ ದ್ರವ್ಯವು ("ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಕೊಡಲ್ಪಡಬೇಕಾದುದಿಲ್ಲ.)

(5) ಮೇಲಿನ (4)ನೆಯ ಒಳಪ್ರಕರಣದ ನಿಯಮಗಳಲ್ಲಿ ಏನೇ ಅಡಕವಾಗಿರಲಿ, ಕೆಲಸಗಾರನು ಅಧಿಕೃತವಾಗಿ ಮಂಜೂರಾದ ರಜದ ಮೇಲಿದ್ದ ಕಾರಣ ಅಥವಾ ಕಾರ್ಖಾನೆಯ ಅಡ್ಡಿಕಟ್ಟು (ಎಂದರೆ, "ಲಾಕ್-ಔಟ್") ನಡೆದ ಕಾರಣ ಅವನು ಕೆಲಸ ಮಾಡದೆ ತಪ್ಪಿದ ಮತ್ತು ಅವನಿಗೆ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವು ಪಾವತಿಯಾಗದಿರುವ ವಾರಕ್ಕೆ, ಅಥವಾ ನ್ಯಾಯ ಸಮ್ಮತವಾದ ಮುಷ್ಕರವು ನಡೆದು, ಅಂಥ ನ್ಯಾಯ ಬದ್ಧವಾದ ಮುಷ್ಕರದ ದಿನಗಳಲ್ಲಿ ಆ ಕೆಲಸಗಾರನು ಕೆಲಸ ಮಾಡದೆ ತಪ್ಪಿದ ಅವಧಿಗಾಗಿ ಅವನಿಗೆ ಪೂರ್ತಿ ಯಾಗಿಯೋ ಅಥವಾ ಸ್ವಲ್ಪಮಟ್ಟಿಗೋ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವು ಪಾವತಿಯಾಗಿರುವ ವಾರಕ್ಕೆ ಹಿಂದೆ ಕೊಡಲಾಗಿರುವ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗಿನ ದರದ ಮೇರೆಗೇ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಕೊಡಲ್ಪಡತಕ್ಕದು.

43. ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು) ಕೊಡುವ ವಿಧಾನ—ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೊಳಪಟ್ಟು, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೊಡಬೇಕಾದ ಮತ್ತು ವಸೂಲಾಗಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯಕ್ಕೆ (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊಬಲಗಿಗೆ" ಸಂಬಂಧಪಟ್ಟ ಅಥವಾ ಅದಕ್ಕೆ ಆನುಷಂಗಿಕವಾದ ಯಾವುದಾದರೂ ವಿಚಾರವಾಗಿಯೂ, ಮತ್ತು ಮೇಲೆಕಂಡ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯತ್ವಕ್ಕೆ ಲೋಪ ಉಂಟಾಗದಂತೆಯೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ನಿರೂಪಣೆಗಳನ್ನು (ಎಂದರೆ, ರೆಗ್ಯುಲೇಷನ್‌ಗಳನ್ನು ರಚಿಸಿ ಸಿದ್ಧಪಡಿಸಬಹುದು; ಅಂಥ ನಿರೂಪಣೆಗಳಲ್ಲಿ ಈ ಕೆಳಗೆ ಕಂಡ ವಿಷಯಗಳಿರಬಹುದು: ಅವು ಯಾವುವೆಂದರೆ.—

(a) ಸಹಾಯ ದ್ರವ್ಯವನ್ನು "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ಪಾವತಿಮಾಡುವ ವಿಧಾನ ಮತ್ತು ಕಾಲ;

(b) ಪುಸ್ತಕಗಳು, ಕಾರ್ಡುಗಳು ಅಥವಾ ಇತರ ವಿಧಾನಗಳ ಮೇಲೆ ಅಂಟಿಸತಕ್ಕ ಅಥವಾ ಇತರ ವಿಧವಾದ ಸ್ಟಾಂಪುಗಳನ್ನು ಅಂಟಿಸುವ ಅಥವಾ ಒತ್ತುವ ಮೂಲಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು) ಪಾವತಿ ಮಾಡುವ ವಿಧಾನ, ಮತ್ತು ಅಂಥ ಸ್ಟಾಂಪುಗಳನ್ನೂ ಅಂಟಿಸುವ ಅಥವಾ ಒತ್ತುವ ಕ್ರಮ, ಕಾಲ ಮತ್ತು ಷರತ್ತುಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವುದು.

(c) ವಿಮೆ ಮಾಡಿರುವ ಮನುಷ್ಯನಿಗೆ ಯಾವ ಪುಸ್ತಕಗಳು ಅಥವಾ ಕಾರ್ಡುಗಳು ಸಂಬಂಧಪಟ್ಟುವಾಗಿಯೋ ಅಂಥ ಪುಸ್ತಕಗಳಲ್ಲಿ ಅಥವಾ ಕಾರ್ಡುಗಳಲ್ಲಿ ಸಹಾಯದ್ರವ್ಯದ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗಿನ ಪಾವತಿಗಳೂ ಮತ್ತು ಹಂಚಿರುವ ಸೌಕರ್ಯಗಳ ವಿವರಗಳೂ ಬರೆಯಲ್ಪಡುವುದು, ಮತ್ತು

(d) ಪುಸ್ತಕಗಳನ್ನು ಅಥವಾ ಕಾರ್ಡುಗಳನ್ನು ಕೊಡುವುದು, ಮಾರುವುದು ಜೋಪಾನವಾಗಿ ವಶದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವುದು, ತೋರಿಸುವುದು, ಪರೀಕ್ಷಿಸುವುದು, ಮತ್ತು ತಲಪಿಸುವುದು; ಮತ್ತು ಕಳೆದುಹೋಗಿರುವ, ನಾಶವಾಗಿರುವ ಅಥವಾ ವಿರೂಪವಾಗಿರುವ ಪುಸ್ತಕಗಳ ಅಥವಾ ಕಾರ್ಡುಗಳ ಬದಲಾಗಿ ಹೊಸವುಗಳನ್ನು ಕೊಡುವುದು.

44. ಯಜಮಾನರು ಕಳುಹಿಸಬೇಕಾದ ಲೆಕ್ಕದ ವಿವರಗಳು.—ಪ್ರತಿಯೊಬ್ಬ ಮುಖ್ಯ ಯಜಮಾನನೂ ಮತ್ತು ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಗೆ (ಎಂದರೆ "ಕಾರ್ಪೊರೇಷನ್"ನವರಿಗೆ) ಅಥವಾ ಅವರು ಅಪ್ಪಣೆ ಮಾಡುವ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಆಫೀಸರಿಗೆ ಅವನಿಂದ ಕೆಲಸಕ್ಕೆ ನೇಮಕವಾಗಿರುವ ಮನುಷ್ಯನ ವಿಷಯವಾಗಿ, ಈ ಸಂಬಂಧದಲ್ಲಿ ರಚಿತವಾದ ನಿರೂಪಣೆಗಳ ಮೇರೆಗೆ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳ ಮೇರೆಗೆ) ನಿರ್ದಿಷ್ಟವಾದ ವಿವರಗಳನ್ನೊಳಗೊಂಡಿರುವಂತೆ, ನಿರ್ದಿಷ್ಟವಾದ ನಮೂನೆಯಲ್ಲಿ ಫಲಾನಾ ಲೆಕ್ಕವಿವರಗಳೆಂದು ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲ್ಪಟ್ಟಿರಬಹುದಾದ ಲೆಕ್ಕದ ವಿವರಗಳನ್ನು ಕಳುಹಿಸತಕ್ಕದು.

45. ಇನ್‌ಸ್ಪೆಕ್ಟರುಗಳು, ಅವರ ಕೆಲಸಗಳು ಮತ್ತು ಕರ್ತವ್ಯಗಳು.—(1) ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನವರು) ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವ ಮನುಷ್ಯರನ್ನು ಇನ್‌ಸ್ಪೆಕ್ಟರುಗಳನ್ನಾಗಿ, ತಾವು ಗೊತ್ತುಮಾಡಬಹುದಾದ ಸ್ಥಳೀಯ ಸರಹದ್ದುಗಳಲ್ಲಿ ಕೆಲಸಮಾಡುವಂತೆ, ನೇಮಕ ಮಾಡಬಹುದು.

(2) ಮೇಲಿನ (1) ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಂ ನೇಮಕವಾದ (ಇನ್ನು ಮುಂದೆ ಇನ್‌ಸ್ಪೆಕ್ಟರೆಂದು ಕರೆಯಲ್ಪಡುವ ಒಬ್ಬರು ಇನ್‌ಸ್ಪೆಕ್ಟರು ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಂದ ಈ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ಪಡೆದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಇತರ ನೌಕರರಾಗಲಿ ಈ ಆಕ್ಟಿನ 44ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಸೂಚಿಸಿರುವ ಲೆಕ್ಕದ ವಿವರಗಳಲ್ಲಿ ಅಡಕವಾಗಿರುವ ವಿಷಯಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ನಿಜವಾದುದೇ ಅಥವಾ ಅಲ್ಲವೇ—ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವ ಅಥವಾ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳ ಪೈಕಿ ಯಾವು

ದಾದರೂ ನಿಯಮವು ಅನುಸರಿಸಲ್ಪಟ್ಟಿದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ—ಎಂಬುದನ್ನು ತಿಳಿಯುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಈ ಕೆಳಗೆ ಕಂಡ ಅಧಿಕಾರಗಳನ್ನುಳ್ಳವರಾಗಿರುತ್ತಾರೆ, ಅವು ಯಾವುವೆಂದರೆ.—

(a) ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅವಶ್ಯಕವಾದುವೆಂದು ಅವರು ಭಾವಿಸುವ ಸಂಗತಿಗಳನ್ನು ಮುಖ್ಯ ಯಜಮಾನನು ಅಥವಾ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನು ಒದಗಿಸುವಂತೆ ಕೇಳುವುದು.

(b) ಸೂಕ್ತವಾದ ಕಾಲದಲ್ಲಿ ಅಂಥ ಮುಖ್ಯ ಯಜಮಾನನ ಅಥವಾ ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಯಾವುದಾದರೂ ಆಫೀಸು, ವ್ಯವಸ್ಥೆಯ ಕಾರ್ಯಾಲಯ, ಕಾರ್ಖಾನೆ ಅಥವಾ ಇತರ ಮಠಾರಗಳು—ಇವುಗಳಿಗೆ ಪ್ರವೇಶಿಸುವುದು, ಮತ್ತು ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ಸೇರಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಮತ್ತು ಕೂಲಿ ಅಥವಾ ಸಂಬಳಗಳನ್ನು ಬಟವಾಡೆ ಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಲೆಕ್ಕದ ಪುಸ್ತಕಗಳನ್ನೂ ಮತ್ತು ಇತರ ದಸ್ತಾವೇಜುಗಳನ್ನು ತನಗೆ ಎಂದರೆ ಆ ಇನ್ಸ್ಪೆಕ್ಟರಿಗೆ ಅಥವಾ ಆ ಇತರ ನಾಕರನಿಗೆ ತೋರಿಸುವಂತೆ ಮತ್ತು ಅವುಗಳನ್ನು ತಾನು ಪರಿಶೀಲಿಸಲು ಅವಕಾಶಕೊಡುವಂತೆ ಆ ಸ್ಥಳದ ಚಾರ್ಜಿನಲ್ಲಿರುವ ಯಾವನಾದರೂ ಮನುಷ್ಯನನ್ನು ಕೇಳುವುದು ಮತ್ತು ಅವುಗಳನ್ನು ಪರಿಶೀಲಿಸುವುದು, ಅಥವಾ ಆ ಇನ್ಸ್ಪೆಕ್ಟರಿಗೆ ಅಥವಾ ಆ ಇತರ ನೌಕರನಿಗೆ ಆವಶ್ಯಕವಾಗಿ ಕಂಡುಬರುವ ಸಂಗತಿಗಳನ್ನು ತಿಳಿಸುವಂತೆ ಅಪ್ಪಣೆಮಾಡುವುದು : ಅಥವಾ ಆ ಸ್ಥಳದಲ್ಲಿರತಕ್ಕವನು.

(c) ಮೇಲೆ ಸೂಚಿತವಾದ ಉದ್ದೇಶಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಯಾವುದಾದರೂ ವಿಷಯವನ್ನು ತಿಳಿದುಕೊಳ್ಳುವುದಕ್ಕಾಗಿ, ಮುಖ್ಯ ಯಜಮಾನನನ್ನಾಗಲಿ, ಮತ್ತು ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನನ್ನಾಗಲಿ, ಅವನ ಮುತಾಲಿಕನನ್ನಾಗಲಿ, ಅಥವಾ ಸೇವಕನನ್ನಾಗಲಿ ಅಥವಾ ಅಂಥ ಕಾರ್ಖಾನೆ, ಕಾರ್ಯಾಲಯ ಅಥವಾ ಇತರ ಮಠಾರಗಳಲ್ಲಿ ಕಂಡುಬರುವ ಯಾವನಾದರೂ ಮನುಷ್ಯನನ್ನಾಗಲೀ, ಅಥವಾ ಆ ಇನ್ಸ್ಪೆಕ್ಟರು ಅಥವಾ ಆ ಇತರ ನೌಕರನು ಯಾವನಾದರೂ ಮನುಷ್ಯನನ್ನು ಕೆಲಸಗಾರನೆಂದು ಅಥವಾ ಕೆಲಸಗಾರನಾಗಿದ್ದವನೆಂದು ನಂಬಲು ಯುಕ್ತವಾದ ಕಾರಣಗಳಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅಂಥ ಮನುಷ್ಯನನ್ನಾಗಲಿ ಆ ಇನ್ಸ್ಪೆಕ್ಟರು ಅಥವಾ ಆ ನೌಕರನು ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳಿ ವಿಚಾರಿಸುವುದು.

(3) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಂದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರಾದ) ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟಿರುವ ಅಥವಾ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ಗೊತ್ತುಮಾಡಲ್ಪಟ್ಟಿರುವ ಅಧಿಕಾರಗಳನ್ನು ಮತ್ತು ಕರ್ತವ್ಯಗಳನ್ನು ಇನ್ಸ್ಪೆಕ್ಟರು ಚಲಾಯಿಸಬಹುದು ಮತ್ತು ನೆರವೇರಿಸಬಹುದು.

Vನೆಯ ಅಧ್ಯಾಯ.

ಅನುಕೂಲ್ಯಗಳು.

46. ಅನುಕೂಲ್ಯಗಳು.— (1) ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೊಳಪಟ್ಟ—ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ವಿಮೆ ಮಾಡರತಕ್ಕವರಾಗಲಿ ಅಥವಾ ಅವರ ಆಶ್ರಿತರಾಗಲಿ ಈ ಕೆಳಗೆ ಕಂಡ ಅನುಕೂಲ್ಯಗಳಿಗೆ ಅರ್ಹರಾಗಿರುತ್ತಾರೆ. ಆ ಅನುಕೂಲ್ಯಗಳು ಯಾವುವೆಂದರೆ.—

(a) ವಿಮೆ ಮಾಡಿರುವ ಮನುಷ್ಯನಿಗೆ, ಅವನು ಕಾಯಿಲೆಯಾಗಿ, ಕ್ರಮವಾಗಿ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರುವ ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟಿಷನರಿಂದ ಅವನು ಹಾಗೆ ಕಾಯಿಲೆಯಾಗಿರುವನೆಂದು "ಸರ್ಟಿಫೈ" ಮಾಡಲ್ಪಟ್ಟಾಗ ಕಾಲಕಾಲಕ್ಕೆ ಕೊಡುವ ಮೊಬಲಗು (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ರೋಗ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯ—ಎಂದು ಕರೆಯಲಾಗಿದೆ.)

(b) ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಹೆಂಗಸಿಗೆ ಹೆರಿಗೆ ಕಾಲದಲ್ಲಿ, ಈ ಸಂಬಂಧದಲ್ಲಿ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲ್ಪಟ್ಟಿರತಕ್ಕಂಥ ಅಧಿಕಾರಿಯಿಂದ ಅವಳು ಹೆರಿಗೆಯ ಕಾಲದ ಅನುಕೂಲ್ಯಗಳಿಗೆ ಆಕೆಯು ಅರ್ಹಳಾಗಿರುತ್ತಾಳೆಂದು "ಸರ್ಟಿಫೈ" ಮಾಡಲ್ಪಟ್ಟಾಗ್ಗ ಕಾಲಕಾಲಕ್ಕೆ ಕೊಡುವ ಮೊಬಲಗು ಇನ್ನು ಮುಂದೆ ಈ ಸಹಾಯವನ್ನು ಹೆರಿಗೆಯ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವೆಂದು ಕರೆಯಲಾಗಿದೆ) ;

(c) ಈ ಅಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರನಾಗಿದ್ದು ಕೆಲಸ ಮಾಡುತ್ತಿರುವಾಗ "ಉದ್ಯೋಗದ ಜಖಂ" ಆದುದರ ದೆಸೆಯಿಂದ ಕೆಲಸಕ್ಕೆ ಅಶಕ್ತನಾಗಿ ಪರಿಣಮಿಸಿದಂಥ ವಿಮೆ ಮಾಡಿದ ಮನುಷ್ಯನಿಗೆ, ಈ ಸಂಬಂಧದಲ್ಲಿ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲ್ಪಟ್ಟಿರುವಂಥ ಅಧಿಕಾರಿಯಿಂದ ಅಂಥ ಮನುಷ್ಯನು ಸಹಾಯಕ್ಕೆ ಅರ್ಹನಾಗಿರುತ್ತಾನೆಂದು "ಸರ್ಟಿಫೈ" ಮಾಡಲ್ಪಟ್ಟಾಗ ಕಾಲಕಾಲಕ್ಕೆ ಕೊಡುವ ಮೊಬಲಗು (ಇನ್ನು ಮುಂದೆ ಈ ಸಹಾಯವನ್ನು ಅಶಕ್ತರಾದಂಥವರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವೆಂದು ಕರೆಯಲಾಗಿದೆ);

(d) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರನಾಗಿದ್ದು ಕೆಲಸಮಾಡುವಾಗ "ಉದ್ಯೋಗದ ಜಖಂ" ಆದುದರ ಪರಿಣಾಮವಾಗಿ ಮರಣ ಹೊಂದುವ ಮತ್ತು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪರಿಹಾರ ದ್ರವ್ಯಕ್ಕೆ (ಎಂದರೆ "ಕಾಂಪೆನ್ಸೇಷನ್" ಮೊಬಲಗಿಗೆ) ಹಕ್ಕುಳ್ಳ ವಿಮೆಮಾಡಿದ ಮನುಷ್ಯನ ಆಶ್ರಿತರಿಗೆ ಕಾಲಕಾಲಕ್ಕೆ ಕೊಡುವ ಮೊಬಲಗು. (ಇನ್ನು ಮುಂದೆ ಈ ಸಹಾಯವನ್ನು ಕೆಲಸಗಾರರ ಅಶ್ರಿತರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವೆಂದು ಕರೆಯಲಾಗಿದೆ,) ಮತ್ತು

(e) ವಿಮೆಮಾಡಿರುವವರಿಗೆ ವೈದ್ಯ ಸಹಾಯ ಮತ್ತು ಅವರನ್ನು ನೋಡಿಕೊಳ್ಳುವುದು. (ಇನ್ನು ಮುಂದೆ ಈ ಸೌಕರ್ಯವನ್ನು ವೈದ್ಯ ಸಂಬಂಧವಾದ ಅನುಕೂಲ್ಯವೆಂದು ಕರೆಯಲಾಗಿದೆ).

(2) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಸರ್ಕಾರದವರ ಕೋರಿಕೆಯ ಮೇರೆಗೆ, ಮತ್ತು ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ವಿಧಾಯಕ

ವಾಗಿರುವ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು, ವೈದ್ಯ ಸಹಾಯವು, ವಿಮೆಮಾಡಿರುವ ಮನುಷ್ಯನ ಮನೆಯವರಿಗೂ ಒದಗಿಸಲ್ಪಡಬಹುದು.

47. ರೋಗಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯಕ್ಕೆ ಅರ್ಹತೆಯುಂಟಾಗುವುದು ಯಾವಾಗ ಅನುಕೂಲ್ಯ ಸಂಬಂಧದ ಯಾವ ಅವಧಿಯಲ್ಲೇ ಆಗಲಿ ಯಾವನೊಬ್ಬನೇ ಆಗಲಿ ರೋಗಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವನ್ನು ಪಡೆಯಲು ಅರ್ಹನಾಗಿರಬೇಕಾದರೆ, ಆ ಅನುಕೂಲ್ಯ ಸಂಬಂಧದ ಅವಧಿಗೆ ಪ್ರತಿಯಾಗಿ ಅದಕ್ಕೆ ಸಮವಾಗಿರತಕ್ಕ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಅವಧಿಯಲ್ಲಿ ಅವನ ಸಲುವಾಗಿ ವಾರವಾರದಲ್ಲಿಯೂ ಕೊಡಲ್ಪಡಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯವು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು) ಅವನು 48ನೆಯ ಪ್ರಕರಣದ ಅರ್ಥದಲ್ಲಿ ಎಷ್ಟು ವಾರಗಳಲ್ಲಿ ಉದ್ಯೋಗಕ್ಕೆ ಬರುವುದಕ್ಕೆ ಅಶಕ್ತನಾಗಿರುತ್ತಾನೋ ಆ ವಾರಗಳ ಸಂಖ್ಯೆಯಲ್ಲಿ ಮೂರರಲ್ಲೆರಡು ಭಾಗಕ್ಕೆ ಕಡಮೆಯಿಲ್ಲದಷ್ಟು ಕ್ಕಾಲ ಕನಿಷ್ಟಪಕ್ಷ ಹನ್ನೆರಡು ಸಾರಿ ಸಹಾಯದ್ರವ್ಯವು ಕೊಡಲ್ಪಟ್ಟಿರಬೇಕೆಂಬ ಷರತ್ತಿಗೊಳಪಟ್ಟು ಕೊಡಲ್ಪಟ್ಟಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಅವನು ರೋಗಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಆ ಅನುಕೂಲಕ್ಕೆ ಅರ್ಹನಾಗಿರತಕ್ಕುದು

ಪರಂತು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನ್ನಿನವರು) ಕನಿಷ್ಠಾವಧಿ ಸಂಖ್ಯೆಯ ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಕಂತುಗಳನ್ನು ಪ್ರಾರಂಭದ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಅವಧಿಯಲ್ಲಿ ಬಿಟ್ಟುಕೊಡಬಹುದು.

48. ಈ ಕೆಳಗೆ ಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ಒಬ್ಬ ಮನುಷ್ಯನು ಯಾವುದಾದರೂ ವಾರದಲ್ಲಿ ಕೆಲಸ ಮಾಡಲು ಶಕ್ತನಾಗಿಲ್ಲವೆಂದು ಭಾವಿಸಲ್ಪಡತಕ್ಕುದು. ಅವುಗಳು ಯಾವುವೆಂದರೆ.—

(a) ಅವನು ರೋಗಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯಕ್ಕೆ ಅರ್ಹನಾಗಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ, ಅವನು ಆ ವಾರವೆಲ್ಲ ಖಾಯಿಲೆಯಾಗಿದ್ದು ಆ ಸಂಗತಿಯು ಕ್ರಮವಾಗಿ ಸರ್ಟಿಫೈ ಮಾಡಲ್ಪಟ್ಟಿದ್ದರೆ, ಅಥವಾ

(b) ಅಂಥ ಯಾವುದಾದರೂ ಇಡೀ ವಾರದಲ್ಲಿ ಹಂಗಾಮಿಯಾದ ಅಶಕ್ತತೆಗಾಗಿ ಅಶಕ್ತರಿಗಾಗಿ ಕಲ್ಪಿಸಿರುವ ಅನುಕೂಲ್ಯವನ್ನು ಪಡೆಯಲು ಅವನು ಅರ್ಹನಾದ್ದರೆ,

(2) ಅಂಥ ಯಾವುದಾದರೂ ಇಡೀ ವಾರದಲ್ಲಿ 50ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೆರಿಗೆಯ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವನ್ನು ಪಡೆಯಲು ಅವಶ್ಯಕವಾದ ಇತರ ಎಲ್ಲ ನಿಯಮಗಳನ್ನೂ ಅವಳು ನೆರವೇರಿಸಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಅವಳು ಅದನ್ನು ಪಡೆಯಲು ಅರ್ಹಳೆನಿಸುತ್ತಿದ್ದರೆ, ಆ ವಾರದಲ್ಲಿ ಅವಳು ಕೆಲಸ ಮಾಡಲು ಶಕ್ತಳಾಗಿಲ್ಲವೆಂದು ಭಾವಿಸಲ್ಪಡತಕ್ಕುದು.

49. ರೋಗಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯ—ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೂ ಮತ್ತು, ನಿರೂಪಣೆಗಳು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳು) ಯಾವುವಾದರೂ ಇದ್ದರೆ, ಅಂಥ ನಿಬಂಧನೆಗೆಳಿಗೂ ಒಳಪಟ್ಟು 47ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರೋಗಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯದ ಮೊಬಲಗನ್ನು ಪಡೆಯಲು ಅರ್ಹನಾದ ಮನುಷ್ಯನು ಎರಡನೆಯ ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ಗೊತ್ತುಮಾಡಿರುವ ದರಗಳ ಮೇರೆಗೆ ದೇಹಾಲಸ್ಯದ ಕಾಲಾವಧಿಯಲ್ಲಿ ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರುತ್ತಾನೆ.

ಪರಂತು, ರೋಗದ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯದ ಮೊಬಲಗನ್ನು ಹಿಂದಿನ ಸಾರಿ ಪಡೆದಾಗಿನಿಂದ ಹದಿನೈದು ದಿನಗಳಿಗೆ ಮೇಲ್ಪಡದ ಕಾಲಾವಧಿಯ ಅಂತರದಲ್ಲಿ ಕಾಯಿಲೆಬಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಹೊರತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಪ್ರಾರಂಭದಲ್ಲಿ ಕಾಯಬೇಕಾದ ಎರಡು ದಿನಗಳ ಕಾಲಾವಧಿಯಲ್ಲಿ ಅವನಿಗೆ ಆ ಮೊಬಲಗನ್ನು ಪಡೆಯಲು ಅರ್ಹತೆ ಇರತಕ್ಕುದಲ್ಲ ;

ಅಲ್ಲದೆ, ಪರಂತು, ಮುನ್ನೂರು ಐವತ್ತು ದಿನಗಳ ಒಟ್ಟಿನ ಕಾಲಾವಧಿಯಲ್ಲಿ ಒಬ್ಬ ಕೆಲಸಗಾರನಿಗೆ ಹಿಂದೆ ಸೌಕರ್ಯವನ್ನು ಪಡೆದಿರುವ ಕಾಲಾವಧಿಯೂ ಸೇರಿ ಒಟ್ಟು ಐವತ್ತಾರು ದಿನಗಳಿಗೆ ಮೇಲ್ಪಟ್ಟ ಕಾಲಾವಧಿಗೆ ರೋಗದ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯದ ಮೊಬಲಗು ಅವನಿಗೆ ಕೊಡಲ್ಪಡತಕ್ಕುದಲ್ಲ.

50. <u>ಹೆರಿಗೆ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಅನುಕೂಲ್ಯ.</u>—ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಒಬ್ಬ ಹೆಂಗಸಿಗೆ ಅನುಕೂಲ್ಯ ಸಂಬಂಧವಾದ ಅವಧಿಯಲ್ಲಿ (ಎಂದರೆ ಒಂದು "ಬೆನಿಫಿಟ್" ಕಾಲಾವಧಿಯಲ್ಲಿ) ಆಗತಕ್ಕ ಹೆರಿಗೆಗಾಗಿ ಹೆರಿಗೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಅನುಕೂಲ್ಯವನ್ನು ಪಡೆಯಲು ಅವಳು ಹಕ್ಕುಳ್ಳವಳಾಗಿರುತ್ತಾಳೆ. ಆದರೆ ಈ ರೀತಿಯ ಹಕ್ಕನ್ನು ಪಡೆಯಬೇಕಾದರೆ ಅವಳು ತನ್ನ ಸಂಬಂಧವಾಗಿ ವಾರಕ್ಕೊಂದು ಸಾರಿ ಪಾವತಿಮಾಡಬೇಕಾಗಿರತಕ್ಕ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ಅವಳು 48ನೆಯ ಪ್ರಕರಣದ ಅರ್ಥದ ಮೇರೆಗೆ ಕೆಲಸಕ್ಕೆ ಬರಲು ಅಶಕ್ತಳಾಗಿರುವ ಒಟ್ಟು ವಾರಗಳ ಸಂಖ್ಯೆಯಲ್ಲಿ ಮೂರರಲ್ಲೆರಡು ಭಾಗಕ್ಕೆ ಕಡಮೆಯಿಲ್ಲದಷ್ಟು ಕಾಲ ಕನಿಷ್ಠಪಕ್ಷ ಹನ್ನೆರಡು ಸಾರಿಯಾದರೂ ಪಾವತಿ ಮಾಡಿರಬೇಕೆಂಬ ಷರತ್ತಿಗೊಳಪಟ್ಟ, "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಪಾವತಿ ಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕುದು.

ಪರಂತು, ಅವಳಿಗೆ ಹೆರಿಗೆಯಾಗತಕ್ಕ ವಾರಕ್ಕೆ ಪೂರ್ವಭಾವಿಯಾದ ಮೂವತ್ತೈದು ಮತ್ತು ನಲವತ್ತನೆಯ ವಾರಗಳ ಮಧ್ಯಕಾಲಾವಧಿಯಲ್ಲಿ ಅಥವಾ ಹೆರಿಗೆಗೆ ಮುಂಚಿತವಾಗಿ ತಾನು ಗರ್ಭಿಣಿಯಾಗಿರುವಳೆಂಬ ವಿಷಯದಲ್ಲಿ ತಿಳಿವಳಿಕೆಯ ನೋಟೀಸನ್ನು ಕೊಟ್ಟ ವಾರಕ್ಕೆ ಪೂರ್ವಭಾವಿಯಾಗಿರುವ ಮೂವತ್ತೈದನೆಯ ಮತ್ತು ನಲವತ್ತನೆಯ ವಾರಗಳ ಮಧ್ಯ ಕಾಲಾವಧಿಯಲ್ಲಿ, ಇವೆರಡರ ಪೈಕಿ ವಿಮೆ ಮಾಡಿದವಳಿಗೆ ಯಾವುದು ಹೆಚ್ಚು ಪ್ರಯೋಜನಕರವಾಗಿದೆಯೋ ಆ ಕಾಲಾವಧಿಯಲ್ಲಿ ಕನಿಷ್ಠಪಕ್ಷ ಒಂದು ಸಾರಿಯ "ಕಾಂಟ್ರಿಬ್ಯೂಷನಾದರೂ" ಪಾವತಿ ಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕುದು.

(2) ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿಯೂ ಮತ್ತು ಯಾವುದಾದರೂ ನಿರೂಪಣೆಗಳಿದ್ದರೆ (ಎಂದರೆ, ರೆಗ್ಯುಲೇಷನುಗಳಿದ್ದರೆ) ಅವುಗಳಿಗೆ ಅನುಸಾರವಾಗಿಯೂ ಮೇಲಿನ

(1)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೆರಿಗೆ ಕಾಲದ ಅನುಕೂಲ್ಯದ ಹಣವನ್ನು ಪಡೆಯಲು ಅರ್ಹ ರಾಗಿರತಕ್ಕ ವಿಮೇದಾರಳು, ಅವಳು ಕೂಲಿಗಾಗಿ ಕೆಲಸ ಮಾಡದೆ ಇರುವ ಹನ್ನೆರಡುವಾರಗಳಿಗೆ ದಿನವೊಂದಕ್ಕೆ ಹನ್ನೆರಡು ಆಣೆಗಳಂತೆ ಪಡೆಯತಕ್ಕುದು ; ಆದರೆ ಈ 12 ವಾರಗಳ ಪೈಕಿ ಆರು ವಾರಗಳಿಗೆ ಹೆಚ್ಚಾಗಿಲ್ಲದಷ್ಟು ಸಂಖ್ಯೆಯ ವಾರಗಳು ಹೆರಿಗೆಗೆ ಮುಂಚಿತವಾಗಿ ಕಳೆದಿರಬೇಕು.

51. ಅಶಕ್ತರಾದಂಥವರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯ.—(1) ಈ ಆಕ್ಟಿನ ಮತ್ತು ಯಾವುದಾದರೂ ನಿರೂಪಣೆಗಳು (ಎಂದರೆ 'ರೆಗ್ಯುಲೇಷನು "ಗಳಿದ್ದರೆ) ಅವುಗಳ ನಿಯಮಗಳನ್ನನುಸರಿಸಿ ಅಶಕ್ತರಾದಂಥವರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವನ್ನು ಈ ಕೆಳಗೆ ಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ಒದಗಿಸತಕ್ಕುದು. ಆ ಸಂದರ್ಭಗಳು ಯಾವುವೆಂದರೆ.—

(a) ತಾತ್ಕಾಲಿಕವಾಗಿ ಅಶಕ್ತರಾಗಿರುವಂಥವರಿಗೆ ಆ ರೀತಿ ಅಶಕ್ತಿಯುಂಟಾಗಿರತಕ್ಕ ಕಾಲಾವಧಿಯಲ್ಲಿ,

(b) ಖಾಯಮಾಗಿ ಸ್ವಲ್ಪಮಟ್ಟಿಗೆ ಅಶಕ್ತರಾಗಿರುವಂಥವನಿಗೆ ಅವನ ಜೀವಿತ ಕಾಲದಲ್ಲಿ ;

(c) ಖಾಯಮಾಗಿ ಸಂಪೂರ್ಣವಾದ ಅಶಕ್ತಿಯುಂಟಾಗಿರತಕ್ಕವನಿಗೆ ಅವನ ಜೀವಿತ ಕಾಲದಲ್ಲಿ ಮತ್ತು,

(d) ಈ ಒಳಪ್ರಕರಣದಲ್ಲಿರತಕ್ಕ ಮೇಲೆ ಕಂಡ (a), (b) ಅಥವಾ

(c) ಕ್ಲಾಜುಗಳಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ಅಶಕ್ತಿಗಳಲ್ಲದೆ ಇರುವ ಇತರ ಯಾವ ಬಗೆಯ ಅಶಕ್ತಿಯನ್ನಾಗಲಿ ಪಡೆದಿರತಕ್ಕ ಮನುಷ್ಯನಿಗೂ ನಿರೂಪಣೆಯಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನಿನಲ್ಲಿ) ಅವಕಾಶ ಕೊಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ.

* * *

(2) ಅಶಕ್ತರಾದಂಥವರಿಗೆ ಸಂಬಂಧಿಸಿದ ಅನುಕೂಲ್ಯದ ಮೊಬಲಗನ್ನು ಈ ವಿಷಯದಲ್ಲಿ ಎರಡನೆಯ ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ಸೂಚಿಸಿರತಕ್ಕ ದರದಲ್ಲಿಯೂ ಮತ್ತು ಅಲ್ಲಿ ಸೂಚಿತವಾಗಿರತಕ್ಕ ಷರತ್ತುಗಳಿಗನುಸಾರವಾಗಿಯೂ ಕೊಡತಕ್ಕುದು.

52. ಆಶ್ರಿತರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯ.—ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಮನುಷ್ಯನು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ತಾನು ನೌಕರನಾಗಿದ್ದುದರ ಪರಿಣಾಮವಾಗಿ ತನ್ನ ಕೆಲಸದ ಸಂಬಂಧದಲ್ಲಿ ಉದ್ಯೋಗ ನಿಮಿತ್ತವಾದ ಜಖಂ ಆದುದರ ಪರಿಣಾಮವಾಗಿ ಮೃತಿ ಹೊಂದಿದರೆ, ಆಗ ಆತನ ಆಶ್ರಿತರಿಗೆ ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳನ್ನೂ ಮತ್ತು ಯಾವುವಾದರೂ ನಿರೂಪಣೆಗಳು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅವುಗಳನ್ನೂ ಅನುಸರಿಸಿ, ಎರಡನೆಯ ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ನಮೂದಾಗಿರತಕ್ಕ ದರದಲ್ಲಿ ಮತ್ತು ಅವಧಿಯವರೆಗೆ ಆಶ್ರಿತರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಅನುಕೂಲ್ಯದ ಹಣವನ್ನು ಕೊಡತಕ್ಕುದು.

53. ಅಶಕ್ತರಾದಂಥವರಿಗೆ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯಗಳು.—ವಿಮೆ ಮಾಡಿರತಕ್ಕವನು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸ ಮಾಡುತ್ತಿರುವುದರಿಂದ ತನ್ನ ಕೆಲಸದ ಸಂಬಂಧದಲ್ಲಿ ಉದ್ಯೋಗದ ನಿಮಿತ್ತವಾದ ಜಖಮಿಗೆ ಗುರಿಯಾದುದರ ಬಗ್ಗೆ, ತನ್ನನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಂಡಿರುವವರಿಂದ ಅಥವಾ ಇತರರಿಂದ, ತಾನೇ ಆಗಲಿ ಅಥವಾ ಅವನ ಆಶ್ರಿತರೇ ಆಗಲಿ (1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ) 1928ನೆಯ ಇಸವಿಯ ಕೆಲಸಗಾರರ ಪರಿಹಾರ ದ್ರವ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅಥವಾ ಅನ್ಯಥಾ ಇತರ ರೀತಿಯ ಯಾವುದಾದರೂ ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಅಥವಾ ನಷ್ಟ ಭರ್ತಿ ಮೊಬಲಗನ್ನಾಗಲಿ ಪಡೆಯಲು ಅಥವಾ ವಸೂಲು ಮಾಡಲು ಹಕ್ಕು ಪಡೆದ ಸಂದರ್ಭಗಳಿಗೆ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರತಕ್ಕ ನಿಯಮಗಳು ಅನ್ವಯಿಸತಕ್ಕುದು. ಅವು ಯಾವುವೆಂದರೆ.—

(i) ವಿಮೆ ಮಾಡಿರತಕ್ಕವನು ಮೇಲೆ ಹೇಳಿದ ಪರಿಹಾರ ದ್ರವ್ಯ ಅಥವಾ ನಷ್ಟ ಭರ್ತಿ ದ್ರವ್ಯಕ್ಕೆ ಬದಲಾಗಿ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅವಕಾಶವಿರುವಂತೆ ಅಶಕ್ತರಾದಂಥವರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯವನ್ನು ಆದರೆ ಅನ್ಯಥಾ 1928ನೆಯ ಇಸವಿಯ ಕೆಲಸಗಾರರ ಪರಿಹಾರ ದ್ರವ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನಲ್ಲಿ (ಎಂದರೆ 1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಲ್ಲಿ ಸೂಚಿತವಾಗಿರತಕ್ಕ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನಿಂದ) ಪಡೆಯತಕ್ಕುದೇ ಹೊರತು, ಯಜಮಾನನಿಂದಾಗಲಿ ಅಥವಾ ಇತರ ಯಾರಿಂದಲೇ ಆಗಲಿ ಪಡೆಯತಕ್ಕುದಲ್ಲ.

(ii) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸದಲ್ಲಿರತಕ್ಕ ಕೆಲಸಗಾರನು ತಾನು ಕೆಲಸ ಮಾಡುವಾಗ ಸಂಭವಿಸಿದ ಉದ್ಯೋಗ ನಿಮಿತ್ತವಾದ ಜಖಮಿನಿಂದ ಮೃತನಾದ ಪಕ್ಷದಲ್ಲಿ (ಆತನು ತನಗೆ ಆ ಜಖಮಿನಿಂದ ಉಂಟಾದ ತಾತ್ಕಾಲಿಕವಾದ ಅಶಕ್ತಿಗಾಗಿ ಕಾಲಕಾಲಕ್ಕೆ ಯಾವುದಾದರೂ ಮೊಬಲಗನ್ನು ಪಡೆಯುತ್ತಿರಲಿ ಅಥವಾ ಪಡೆಯುತ್ತಿಲ್ಲದೆ ಇರಲಿ) ಎರಡನೆಯ ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ದರದಲ್ಲಿ ಮತ್ತು ದಾಮಾಷಾ ಮೇರೆಗೆ ಆಶ್ರಿತರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ವಿಧವೆಯಾಗಿರತಕ್ಕ ಅವನ ಹೆಂಡತಿಗೂ ಅಥವಾ (ಅವನಿಗೆ ಒಬ್ಬಳಿಗಿಂತ ಹೆಚ್ಚುಮಂದಿ ಹೆಂಡತಿಯರಿದ್ದರೆ) ವಿಧವೆಯರಾಗಿರತಕ್ಕ ಅವನ ಹೆಂಡತಿಯರಿಗೂ ಅವರು ಮತ್ತೆ ವಿವಾಹ ಮಾಡಿಕೊಳ್ಳದೆ ಇರುವವರೆಗೂ ಮತ್ತು ಅವನ ಮೈನರು ಗಂಡುಮಕ್ಕಳಿಗೆ ಅವರು ಔರಸಪುತ್ರರೇ ಆಗಿರಲಿ, ಅಥವಾ ದತ್ತುಪುತ್ರರೇ ಆಗಿರಲಿ, ಅವರಿಗೂ, ಮತ್ತು ಲಗ್ನವಾಗದೆ ಇರತಕ್ಕ ಅವನ ಔರಸಪುತ್ರಿಯರಿಗೂ ಕೊಡತಕ್ಕುದು.

(iii) ಮೇಲೆ ಹೇಳಿದಂತೆ ವಿಮೆ ಮಾಡಿರತಕ್ಕವನ ಮರಣಾನಂತರ ಅವನ ಹೆಂಡತಿ ಮಕ್ಕಳು ಯಾರೂ ಜೀವಂತರಾಗಿಲ್ಲದಿದ್ದರೆ ಅಥವಾ ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಹೆಂಗಸು ಮರಣ ಹೊಂದಿದಾಗ ಮೇಲೆ ಹೇಳಿದಂತೆ ಆಕೆಯ ಮಕ್ಕಳು ಯಾರೂ ಜೀವಂತರಾಗಿಲ್ಲದಿದ್ದರೆ ಆಶ್ರಿತರಿಗೆ ದೊರೆಯಬೇಕಾದ ಮೊಬಲಗು 1928ನೆಯ ಇಸವಿಯ ಕೆಲಸಗಾರರಿಗೆ ಪರಿಹಾರವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ (ಎಂದರೆ 1928ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರು ಆಕ್ಟಿನ) ಮೇರೆಗೆ ನೇಮಕವಾಗಿರುವ ಕಮಿಷನರು ತೀರ್ಮಾನಿಸಬಹುದಾದ ದರಗಳಲ್ಲಿ ಮೃತರ ಇತರ ಆಶ್ರಿತರಿಗೆ ಕೊಡಲ್ಪಡತಕ್ಕುದು.

(iv) ಮೇಲಿನ (iii)ನೆಯ ಕ್ಲಾಜಿನ ಮೇರೆಗೆ ಕೊಡಲ್ಪಡಬೇಕಾಗುವ "ಆಶ್ರಿತರ ಸಹಾಯದ ಹಣ"ವು, ವಿಮೆ ಮಾಡಿದ್ದವನಿಗೆ ಖಾಯಂ ಆದ ಮತ್ತು ಪೂರ್ತಿಯಾದ ಜಖಂ ಆಗಿ ಆತನು ದುಡಿಯುವುದಕ್ಕೆ ಅನರ್ಹನಾಗಿ ಪರಿಣಮಿಸಿದ್ದ ಪಕ್ಷಕ್ಕೆ ದೊರೆಯುವುದಾಗಿದ್ದ ಮೊಬಲಗಿನಲ್ಲಿ ಅರ್ಧ ಭಾಗಕ್ಕಿಂತ ಮೀರಿರತಕ್ಕುದಲ್ಲ.

(v) ಈ ಆಕ್ಟಿನಿಂದ ತಿದ್ದುಪಾಟಾಗಿರುವ ಮಟ್ಟಿಗೆ ಹೊರತು, ಒಂದು ಕೈಗಾರಿಕೆ ಯಜಮಾನನ ಮೇಲೆ 1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ ಕೆಲಸಗಾರರಿಗೆ ಪರಿಹಾರವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಏರ್ಪಟ್ಟ ಆಕ್ಟಿನಿಂದ ವಿಧಿಸಲ್ಪಟ್ಟ ಹೊಣೆಗಾರಿಕೆಗಳೂ ಮತ್ತು ದೇಣಿಗಳೂ ಮುಂದೆಯೂ ಅವರ ವಿಷಯದಲ್ಲಿ ನಡೆದುಕೊಂಡು ಬರತಕ್ಕುವುಗಳಾಗಿರತಕ್ಕುದು.

54. ವೈದ್ಯರಿಂದ ಪರೀಕ್ಷೆ.—1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ ಕೆಲಸಗಾರರಿಗೆ ಪರಿಹಾರವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ 1928ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನಲ್ಲಿ ತಿಳಿಸಲ್ಪಟ್ಟ ಎಲ್ಲಾ ವೈದ್ಯ ಪರೀಕ್ಷೆಗಳೂ ಮತ್ತು ಔಷಧೋಪಚಾರಗಳೂ ಕ್ರಮವಾಗಿ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟ "ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟಿಷನರು"ಗಳಿಂದ ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ನಡೆಯಿಸಲ್ಪಡತಕ್ಕುದು.

55. ಕೆಲಸಗಾರರಿಗೆ ಕೊಟ್ಟ ಮೊಬಲಗಿನ ಪುನರ್ವಿಮರ್ಶೆ.—ಕೆಲಸಗಾರನು ಜಖಂ ಹೊಂದಿ ದುಡಿಮೆಗೆ ಅನರ್ಹನಾದುದರಿಂದ ಅವನಿಗೆ ಕೊಟ್ಟ ಯಾವ 'ಸಹಾಯ ದ್ರವ್ಯ'ದ ವಿಚಾರವನ್ನಾಗಲಿ ಈ ಕೆಳಗೆ ಕಾಣಿಸಿರತಕ್ಕವರ ಅರ್ಜಿಯ ಆಧಾರದ ಮೇಲೆ, (1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ) ಕೆಲಸಗಾರರಿಗೆ ಪರಿಹಾರವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ 1928ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ ಮೇರೆಗೆ ನೇಮಕವಾದ ಕಮಿಷನರವರು ಪುನರ್ವಿಮರ್ಶಿಸಬಹುದು.—

(a) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಒಬ್ಬ ವಿಮೆ ಆಫೀಸರು ಅಥವಾ

(b) ಆ ಹಣವನ್ನು ಪಡೆಯತಕ್ಕವನು.

ಮೇಲೆ ಕಂಡ ಅರ್ಜಿಯೊಡನೆ, ಕ್ರಮವಾಗಿ ನೇಮಕವಾದ ಮೆಡಿಕಲ್ ಆಫೀಸರವರಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಒಂದು ಸರ್ಟಿಫಿಕೇಟನ್ನು ಇಟ್ಟಿರತಕ್ಕುದು.

ಪರಂತು, ಈ ಸಂಬಂಧದಲ್ಲಿ ರಚಿತವಾದ "ರೆಗ್ಯುಲೇಷನು"ಗಳಲ್ಲಿ ನಮೂದಿಸಲ್ಪಡಬಹುದಾದಂಥ ಪರಿಸ್ಥಿತಿಗಳಿರುವಲ್ಲಿ ಅಂಥ ಸರ್ಟಿಫಿಕೇಟು ಇಲ್ಲದೆಯೇ ಅಂಥ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಬಹುದಾಗಿರುತ್ತದೆ.

(2) ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗೊಳಪಟ್ಟು, ಮೇಲೆ ಕಾಣಿಸಿದಂಥ ಪುನರ್ವಿಮರ್ಶೆ ನಡೆದ ಮೇಲೆ, ಕಮಿಷನರು ಆ ಜಖಂಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ಮುಂದೆಯೂ ಕೊಡುತ್ತ ಹೋಗಬೇಕೆಂದಾಗಲಿ, ಹೆಚ್ಚಿಸಬೇಕೆಂದಾಗಲಿ, ತಗ್ಗಿಸಬೇಕೆಂದಾಗಲಿ ಅಥವಾ ಅದನ್ನು ಕೊಡುವುದನ್ನು ನಿಲ್ಲಿಸಬೇಕೆಂದಾಗಲಿ ಅಪ್ಪಣೆಮಾಡಬಹುದು.

56. ವೈದ್ಯಸಹಾಯ.—(i) ವಿಮೆ ಮಾಡಿರತಕ್ಕವನ ಅಥವಾ (ವೈದ್ಯಸಹಾಯವು ಅವನ ಕುಟುಂಬದವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರುವಾಗ) ಅವನ ಕುಟುಂಬಕ್ಕೆ ಸೇರಿದ ಯಾರೊಬ್ಬರ ಸ್ಥಿತಿಯು ವೈದ್ಯಸಹಾಯ ಮತ್ತು ಔಷಧೋಪಚಾರ ಪಡೆಯಬೇಕಾದಂಥದಾಗಿರುವಾಗ ಅಂಥವರು ವೈದ್ಯಸಹಾಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕುದು.

(2) ಅಂಥ ವೈದ್ಯಸಹಾಯವು, ಆ ರೋಗಿಯು ಆಸ್ಪತ್ರೆಗೆ, ಅಥವಾ ವೈದ್ಯಶಾಲೆಗೆ ಅಥವಾ ಒಂದು "ಕ್ಲಿನಿಕ್" ಚಿಕಿತ್ಸಾಲಯಕ್ಕೆ ಅಥವಾ ಅಂಥ ಬೇರೆ ಸಂಸ್ಥೆಗೆ ಹೋದಾಗ ಕೊಡಲ್ಪಡುವ "ಔಟ್–ಪೇಷಂಟ್" ವೈದ್ಯಸಹಾಯ ಮತ್ತು ಚಿಕಿತ್ಸೆಯ ರೂಪದಲ್ಲಾಗಲಿ ಅಥವಾ ವಿಮೆ ಮಾಡಿದವನ ಮನೆಗೇ ವೈದ್ಯರು ಬಂದು ನಡೆಯಿಸುವ ವೈದ್ಯ ಸಹಾಯ ಮತ್ತು ಚಿಕಿತ್ಸೆಯ ರೂಪದಲ್ಲಾಗಲಿ ಅಥವಾ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಇಲ್ಲವೇ ಅಂಥ ಬೇರೆ ಸಂಸ್ಥೆಯಲ್ಲಿ ಆತನು ಇರುವಾಗ ಅವನಿಗೆ ಕೊಡುವ "ಇನ್–ಪೇಷಂಟ" ವೈದ್ಯಸಹಾಯ ಮತ್ತು ಚಿಕಿತ್ಸೆಯ ರೂಪದಲ್ಲಾಗಲಿ, ಕೊಡಲ್ಪಡಬಹುದು.

(3) ಯಾವನೊಬ್ಬನೇ ಆಗಲಿ ತನ್ನ ವಿಷಯದಲ್ಲಿ "ಕಂಟ್ರಿಬ್ಯೂಷನ್" ಕೊಡಲ್ಪಡಬೇಕಾದ ಯಾವುದೊಂದು ವಾರದಲ್ಲಿ, ಅಥವಾ ತಾನು ರೋಗನಿಮಿತ್ತವಾದ ಸಹಾಯವನ್ನಾಗಲಿ ಅಥವಾ ಯಾವಳೊಬ್ಬಳೇ ಆಗಲಿ ಹೆರಿಗೆಯ ನಿಮಿತ್ತವಾದ ಸಹಾಯ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಪಡೆಯುವುದಕ್ಕೆ ತನಗೆ ಅರ್ಹತೆಯಿರತಕ್ಕ ಯಾವುದೊಂದು ವಾರದಲ್ಲಾಗಲಿ, ಅಥವಾ "ರೆಗ್ಯುಲೇಷನ್"ಗಳಲ್ಲಿ ಅವಕಾಶಕೊಟ್ಟಿರುವಂತೆ, ಜಖಂ ಆಗಿ ಕೆಲಸಕ್ಕೆ ಅನರ್ಹತೆಯುಂಟಾದ ಪ್ರಯುಕ್ತ ಸಹಾಯ ಪಡೆಯುವುದಕ್ಕೆ ಅರ್ಹತೆ ಪಡೆದಿರತಕ್ಕ ಯಾವುದೊಂದು ವಾರದಲ್ಲಾಗಲಿ ವೈದ್ಯಸಹಾಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕಿರತಕ್ಕುದು.

ಪರಂತು, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಯಾರೊಬ್ಬರ ವಿಷಯವಾಗಿ ''ಕಂಟ್ರಿಬ್ಯೂಷನ್'' ಕೊಡಬೇಕಾಗಿರುವುದು ನಿಂತುಹೋಗುತ್ತದೆಯೋ ಅಂಥವರಿಗೆ ''ರೆಗ್ಯುಲೇಷನ್''ಗಳಲ್ಲಿ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಿ ಅವಕಾಶ ಕೊಟ್ಟಿರಬಹುದಾದಷ್ಟು ಕಾಲದವರೆಗೆ ಮತ್ತು ಅವುಗಳಲ್ಲಿ ನಮೂದಾಗಿರತಕ್ಕ ಬಗೆಯ ವೈದ್ಯಸಹಾಯವನ್ನು ಒದಗಿಸಬಹುದಾಗಿದೆ.

57. ವೈದ್ಯಸಹಾಯದ ಬೇರೆಬೇರೆ ದರ್ಜೆಗಳು.—(1) ಒಬ್ಬ ವಿಮೆ ಮಾಡಿರುವವನಿಗೆ ಮತ್ತು (ವೈದ್ಯಸಹಾಯವು ಅವನ ಕುಟುಂಬದವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಲ್ಪಟ್ಟಿರುವಾಗ) ಅವನ ಕುಟುಂಬದವರಿಗೆ ಸರ್ಕಾರದವರಾಗಲಿ ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಾಗಲಿ ಒದಗಿಸಿರತಕ್ಕ ಬಗೆಯ ಮತ್ತು ದರ್ಜೆಗಳಲ್ಲಿರತಕ್ಕ ವೈದ್ಯಸಹಾಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಮಾತ್ರ ಹಕ್ಕಿರತಕ್ಕುದು ಮತ್ತು ಒಬ್ಬ ವಿಮೆಮಾಡಿರುವವನಾಗಲಿ ಅಥವಾ (ವೈದ್ಯಸಹಾಯವು ಅವನ ಕುಟುಂಬದವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶಕೊಡಲ್ಪಟ್ಟಿರುವಾಗ) ಅವನ ಕುಟುಂಬದವರಾಗಲಿ ಯಾವ ವೈದ್ಯಶಾಲೆ, ಆಸ್ಪತ್ರೆ, ''ಕ್ಲಿನಿಕ್'' ಚಿಕಿತ್ಸಾಲಯ ಅಥವಾ ಅಂಥ ಬೇರೆ ಸಂಸ್ಥೆಯಲ್ಲಿ ವೈದ್ಯಸಹಾಯ ಪಡೆಯಬೇಕೆಂದು ಗೊತ್ತುಮಾಡಲ್ಪಟ್ಟಿರುತ್ತದೋ ಅಲ್ಲಿ ದೊರೆಯುವಂಥ ಅಥವಾ ''ರೆಗ್ಯುಲೇಷನ್'' ಗಳಿಂದ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರುವಂತೆ ಒದಗಿಸಲ್ಪಡಬಹುದಾದಂಥ ಚಿಕಿತ್ಸೆ ಮತ್ತು ವೈದ್ಯಸಹಾಯದ ಹೊರತು, ಬೇರೆ ಯಾವ ವೈದ್ಯಸಹಾಯವನ್ನಾಗಲಿ ಕೋರಿ ಹಕ್ಕು ಸಾಧಿಸುವುದಕ್ಕೆ ಹಕ್ಕಿರತಕ್ಕುದಲ್ಲ.

(2) ಈ ಆಕ್ಟಿನಲ್ಲಿ ಹೇಳಿರುವ ಯಾವುದರಿಂದಲೇ ಆಗಲಿ, ಒಬ್ಬ ವಿಮೆ ಮಾಡಿರತಕ್ಕವನು ಮತ್ತು (ವೈದ್ಯಸಹಾಯವು ಅವನ ಕುಟುಂಬದವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರುವಾಗ) ಅವನ ಕುಟುಂಬದವರು ಯಾವ ವೈದ್ಯಸಹಾಯಕ್ಕಾಗಲಿ ತಾವು ವಹಿಸಿದ ಯಾವ ಖರ್ಚು ವೆಚ್ಚವನ್ನಾಗಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಕಟ್ಟಿಕೊಡಬೇಕೆಂದು ಹಕ್ಕು ಸಾಧಿಸುವುದಕ್ಕೆ ''ರೆಗ್ಯುಲೇಷನು''ಗಳಲ್ಲಿ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಿ ಅವಕಾಶ ಕೊಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ ಹೊರತು ಅಂಥ ಹಕ್ಕುಂಟಾಗತಕ್ಕುದಲ್ಲ.

58. ಸರ್ಕಾರದವರು ವೈದ್ಯಚಿಕಿತ್ಸೆಯನ್ನು ಒದಗಿಸಿಕೊಡುವುದು.—(1) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರಿಗೂ ಮತ್ತು (ಆ ಬಗೆಯ ಸಹಾಯವು ವಿಮೆ ಮಾಡಿರುವವರ ಕುಟುಂಬದವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರುವಾಗ) ಸಂಸ್ಥಾನದಲ್ಲಿರುವ ಅವರ ಕುಟುಂಬಗಳಿಗೂ, ಸರ್ಕಾರದವರು ವೈದ್ಯಶಾಲೆಗಳಲ್ಲಿ, ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಅಥವಾ ಬೇರೆ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಯುಕ್ತವಾದ ಔಷಧ ವೈದ್ಯದ, ಶಸ್ತ್ರವೈದ್ಯದ ಮತ್ತು ಹೆರಿಗೆ ಸಹಾಯದ ಚಿಕಿತ್ಸೆಯನ್ನು (ಆಯಾ ಸಂದರ್ಭದಲ್ಲಿ ಆವಶ್ಯಕವಾಗಿರುವ ಮೇರೆಗೆ ''ಔಟ್–ಪೇಷೆಂಟ್'' ಅಥವಾ ''ಇನ್–ಪೇಷೆಂಟ್'' ಚಿಕಿತ್ಸೆಯ ರೂಪದಲ್ಲಿ) ಒದಗಿಸತಕ್ಕುದು.

ಪರಂತು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಅನುಮೋದನವನ್ನು ಪಡೆದು ಸರ್ಕಾರದವರು, ಈ ಸಂಬಂಧದಲ್ಲಿ ಒಪ್ಪಿಗೆಗೆ ಬರಬಹುದಾದ ಪ್ರಮಾಣದಲ್ಲೂ ಮತ್ತು ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟೂ, 'ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟೀಷನರು'ಗಳ ''ಕ್ಲಿನಿಕ್'' ಚಿಕಿತ್ಸಾಲಯಗಳಲ್ಲಿ ವೈದ್ಯಸಹಾಯ ದೊರೆಯುವಂತೆ ಏರ್ಪಡಿಸಬಹುದು.

(2) ವಿಮೆ ಮಾಡಿರುವವರಿಗೂ ಮತ್ತು (ಆ ಸಹಾಯವು ಅವರ ಕುಟುಂಬದವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ) ಅವರ ಕುಟುಂಬಗಳಿಗೂ ಒದಗಿಸಬೇಕಾದ ವೈದ್ಯಸಹಾಯದ (ಮತ್ತು ಕಟ್ಟಡಗಳಿಗೂ, ಸಾಧನ ಸಾಮಗ್ರಿಗಳಿಗೂ, ಔಷಧಗಳಿಗೂ ಮತ್ತು ಸಿಬ್ಬಂದಿಗೂ ಬೇಕಾದ ಏರ್ಪಾಡುಗಳ) ಸ್ವಭಾವ ಮತ್ತು ಪ್ರಮಾಣ ಇವುಗಳ ವಿಚಾರದಲ್ಲಿಯೂ, ಮತ್ತು ಅವುಗಳಿಗೆ ತಗಲುವ ವೆಚ್ಚದ ಹಂಚಿಕೆ ವಿಚಾರದಲ್ಲಿಯೂ, ಮತ್ತು ವಿಮೆ ಮಾಡಿರುವವರು ಕಾಯಿಲೆ ಬಿದ್ದಾಗ ಅವರಿಗೆ ಕೊಡಬೇಕಾಗುವ ಸಹಾಯ ದ್ರವ್ಯದ ಮೊತ್ತದ ಅಂದಾಜಿಗಿಂತಲೂ ಅಧಿಕ ವೆಚ್ಚವೇನಾದರೂ ಬೀಳುವುದಾಗಿದ್ದರೆ ಅದರ ಹಂಚಿಕೆಯಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರೂ) ಮತ್ತು ಸರ್ಕಾರದವರಿಗೂ ಎಷ್ಟೆಷ್ಟು ಭಾಗವನ್ನು ವಹಿಸಬೇಕೆಂಬ ವಿಚಾರದಲ್ಲಿಯೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನ್) ಸರ್ಕಾರದವರೊಡನೆ ಒಪ್ಪಂದಕ್ಕೆ ಬರಬಹುದಾಗಿದೆ.

(3) ಮೇಲೆ ತಿಳಿಸಿದಂತೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೂ (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿಗೂ) ಸರ್ಕಾರದವರಿಗೂ ಮಧ್ಯೆ ಒಪ್ಪಂದವಾಗಿಲ್ಲದಿರುವಾಗ, ಸರ್ಕಾರದವರಿಂದ ಒದಗಿಸಲ್ಪಡಬೇಕಾದ ವೈದ್ಯಸಹಾಯದ ಸ್ವಭಾವ ಮತ್ತು ಪ್ರಮಾಣ—ಇವುಗಳನ್ನೂ ಮತ್ತು ವೈದ್ಯಸಹಾಯದ ವೆಚ್ಚದ ಹಂಚಿಕೆ ಯಾವ ದಾಮಾಷಾ ಪ್ರಮಾಣದ ಮೇರೆಗಿರಬೇಕೆಂಬುದನ್ನೂ ಹೈಕೋರ್ಟಿನ ಮುಖ್ಯ ನ್ಯಾಯಾಧೀಶರಿಂದ ನೇಮಕವಾದ (ಮತ್ತು ಹೈಕೋರ್ಟಿನ ಜಡ್ಜಿಯವರಾಗಿರುವ ಅಥವಾ ಹಿಂದೆ ಜಡ್ಜಿಯವರಾಗಿದ್ದ) ಒಬ್ಬರು ಪಂಚಾಯಿತಿದಾರರು ನಿರ್ಧರಿಸತಕ್ಕುದು. ಪಂಚಾಯಿತಿದಾರರು ಕೊಡುವ ತೀರ್ಮಾನಕ್ಕೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯೂ ಮತ್ತು ಸರ್ಕಾರದವರೂ ಬದ್ಧರಾಗಿರತಕ್ಕುದು.

59. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನ್) ಆಸ್ಪತ್ರೆ ಮುಂತಾದುವನ್ನು ಸ್ಥಾಪಿಸುವುದು ಮತ್ತು ನಡೆಯಿಸಿಕೊಂಡು ಬರುವುದು.—(1) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರ ಮತ್ತು (ವೈದ್ಯಸಹಾಯವು ಅವರ ಕುಟುಂಬಗಳವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ) ಅವರ ಕುಟುಂಬಗಳವರಿಗೂ ವೈದ್ಯಸಹಾಯ ದೊರೆಯುವುದಕ್ಕೆ ಯೋಗ್ಯವಾದುದೆಂದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು ಭಾವಿಸತಕ್ಕಂಥ ಆಸ್ಪತ್ರೆಗಳನ್ನೂ, ವೈದ್ಯಶಾಲೆಗಳನ್ನೂ ಮತ್ತು ಇತರ ಔಷಧ ಸಹಾಯದ ಮತ್ತು ಶಸ್ತ್ರ ಚಿಕಿತ್ಸೆಯ ಏರ್ಪಾಡುಗಳನ್ನೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು, ಸರ್ಕಾರದವರ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದು, ಸ್ಥಾಪಿಸತಕ್ಕುದು ಮತ್ತು ನಡೆಯಿಸಿಕೊಂಡು ಬರತಕ್ಕುದು.

(2) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರಿಗೂ ಮತ್ತು (ವೈದ್ಯಸಹಾಯವು ಅವರ ಕುಟುಂಬಗಳವರಿಗೂ ದೊರೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಸಂದರ್ಭಗಳಲ್ಲಿ) ಅವರ ಕುಟುಂಬಗಳವರಿಗೂ ಯಾವ ಪ್ರದೇಶದಲ್ಲಾಗಲಿ ವೈದ್ಯಸಹಾಯವನ್ನೂ ಮತ್ತು ಔಷಧೋಪಚಾರವನ್ನೂ ಒದಗಿಸುವ ವಿಚಾರವಾಗಿಯೂ ಮತ್ತು ಅದಕ್ಕೆ ತಗಲತಕ್ಕ ವೆಚ್ಚವನ್ನು ಹಂಚಿಕೊಳ್ಳುವ ವಿಚಾರದಲ್ಲಿಯೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಭರತಖಂಡದ ಯಾವ ಪ್ರಾಂತೀಯ ಸರ್ಕಾರದೊಡನೆಯಾಗಲಿ, ಸ್ಥಳೀಯ ಅಧಿಕಾರ ಸಂಸ್ಥೆಯೊಡನೆಯಾಗಲಿ, ಖಾಸಗಿ ಸಂಸ್ಥೆಯೊಡನೆಯಾಗಲಿ ಅಥವಾ ಯಾರೊಬ್ಬರೊಡನೆಯಾಗಲಿ ಒಪ್ಪಂದಮಾಡಿಕೊಳ್ಳಬಹುದಾಗಿದೆ.

ಸಾಮಾನ್ಯಾಂಶಗಳು.

60. **ಸಹಾಯದ ಮೊಬಲಗನ್ನು ಬೇರೊಬ್ಬರಿಗೆ ಹವಾಲ್ತೆ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ ಮತ್ತು ಸಾಲದ ಸಂಬಂಧದಲ್ಲಿ ಜಫ್ತಿ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.**—(1) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಮುಂದೆ ಕೊಡಲ್ಪಡಬಹುದಾದ ಯಾವುದಾದರೂ ಸಹಾಯದ ಮೊಬಲಗನ್ನು ಪಡೆಯುವುದಕ್ಕಿರುವ ಹಕ್ಕನ್ನು ಬೇರೊಬ್ಬರಿಗೆ ವರ್ಗಾಯಿಸುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಹವಾಲ್ತೆ ಮಾಡುವುದಕ್ಕಾಗಲಿ ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ.

(2) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ದೊರೆಯುವುದಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ ನಗದು ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ಯಾವುದಾದರೂ ಕೋರ್ಟಿನ ಡಿಕ್ರಿ ಅಥವಾ ಹುಕುಮಿನ ಅಮಲ್ದಾರಿಯ ಕ್ರಮದಲ್ಲಿ ಜಫ್ತಿ ಮಾಡಿ ಹಿಡಿದಿಡತಕ್ಕುದಲ್ಲ ಅಥವಾ ಅದರ ಹಕ್ಕನ್ನು ಮಾರುವುದಕ್ಕೆ ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ.

61. **ಬೇರೆ ಕಾನೂನುಗಳ ಮೇರೆಗೆ ದೊರೆಯಬಹುದಾದ ಸಹಾಯ ದೊರೆಯುವುದಕ್ಕಿರುವ ಅಡ್ಡಿ.**—ಈ ಆಕ್ಟಿನಿಂದ ಕೊಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಯಾವುದಾದರೂ ಸಹಾಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಒಬ್ಬ ಮನುಷ್ಯನಿಗೆ ಹಕ್ಕಿರುವಾಗ, ಬೇರೆ ಯಾವುದಾದರೂ ಕಾನೂನಿನ ನಿಯಮಗಳ ಮೇರೆಗೆ ಸಲ್ಲಬಹುದಾಗಿರತಕ್ಕ ಅದೇ ಬಗೆಯ ಸಹಾಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಆತನಿಗೆ ಹಕ್ಕಿರತಕ್ಕುದಲ್ಲ.

62. **ಕೆಲಸಗಾರರು ಆಗಾಗ್ಗೆ ತಮಗೆ ದೊರೆಯುವುದಾಗಿರತಕ್ಕ ನಗದು ಹಣದ ರೂಪದ ಸಹಾಯವನ್ನು ಬಿಟ್ಟುಕೊಟ್ಟು ಅದಕ್ಕೆ ಪ್ರತಿಯಾಗಿ ಒಂದು ಒಟ್ಟು ಮೊತ್ತದ ಹಣವನ್ನು ಒಂದೇ ಗಂಟಿನಲ್ಲಿ ಪಡೆದುಕೊಳ್ಳತಕ್ಕುದಲ್ಲ.**—"ರೆಗ್ಯುಲೇಷನ್"ಗಳಲ್ಲಿ ಅವಕಾಶ ಕಲ್ಪಿಸಲ್ಪಟ್ಟಿರುವಷ್ಟರಮಟ್ಟಿಗೆ ಹೊರತಾಗಿ, ಒಬ್ಬ ಕೆಲಸಗಾರನು ತನಗೆ ನಿಯತ ಕಾಲಾವಧಿಗೊಮ್ಮೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಸಲ್ಲುವುದಾಗಿರತಕ್ಕ ಹಣದ ಸಹಾಯಕ್ಕೆ ಬದಲಾಗಿ ಒಂದೇ ಗಂಟಿನಲ್ಲಿ ಒಂದು ಒಟ್ಟು ಮೊತ್ತದ ಹಣವನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಆತನಿಗೆ ಹಕ್ಕಿರತಕ್ಕುದಲ್ಲ.

63. **ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಕೆಲಸಗಾರರಿಗೆ ಸಹಾಯ ಪಡೆಯಲು ಹಕ್ಕಿರತಕ್ಕುದಲ್ಲ.**—ಹಂಗಾಮಿಯಾಗಿ ಅಂಗ ದೌರ್ಬಲ್ಯವುಂಟಾದಾಗ ಕೆಲಸಗಾರರು ಕೆಲಸಮಾಡಿ ಯಾವ ದಿನಕ್ಕೆ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವನ್ನು ಪಡೆದಿರುತ್ತಾನೆಯೋ ಅಂಥ ಯಾವ ದಿನಕ್ಕಾಗಲಿ ಯಾರೊಬ್ಬರಿಗಾಗಲಿ ರೋಗ ಸಂಬಂಧವಾಗಿ ಲಭಿಸುವ ಸಹಾಯ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಅಥವಾ (ಹೆಂಗಸಿನ ವಿಷಯದಲ್ಲಾದರೆ) ಹೆರಿಗೆಯ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಅಥವಾ ಅಶಕ್ತರಾಗಿರುವ ನಿಮಿತ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕಿರತಕ್ಕುದಲ್ಲ.

64. **ಕೆಲಸಗಾರರು ಪಾಲಿಸಬೇಕಾದ ನಿಯಮಗಳು.**—ರೋಗ ಕಾಲದಲ್ಲಿ ಲಭಿಸುವ ಸಹಾಯ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಅಥವಾ ಖಾಯಂ ಆಗಿ ಅಂಗ ದೌರ್ಬಲ್ಯ ಹೊಂದಿದಾಗ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವಲ್ಲದಿರುವ ತಾತ್ಕಾಲಿಕವಾದ ಅಂಗ ದೌರ್ಬಲ್ಯದ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನಾಗಲಿ ಪಡೆಯುತ್ತಿರುವವರು ಈ ಕೆಳಗೆ ಕಂಡ ನಿಯಮಗಳನ್ನು ಅನುಸರಿಸತಕ್ಕುದು:—

(a) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಗೊತ್ತುಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕ, ಡಿಸ್ಪೆನ್ಸರಿಯಲ್ಲಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ, "ಕ್ಲಿನಿಕ್" ಚಿಕಿತ್ಸಾಲಯದಲ್ಲಿ ಅಥವಾ ಇತರ ಸಂಸ್ಥೆಯಲ್ಲಿ ವೈದ್ಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆಯುತ್ತಿರತಕ್ಕುದು; ಮತ್ತು ಆ ಸಂಸ್ಥೆಯ ಚಾರ್ಜಿನಲ್ಲಿರತಕ್ಕ ಮೆಡಿಕಲ್ ಆಫೀಸರ ಅಥವಾ 'ಮೆಡಿಕಲ್ ಅಟೆಂಡೆಂಟರ' ಅನುಜ್ಞೆಗಳಂತೆ ನಡೆದುಕೊಳ್ಳತಕ್ಕುದು.

(b) ವೈದ್ಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆಯುತ್ತಿರುವಾಗ್ಗೆ, ತನಗೆ ರೋಗವು ಗುಣವಾಗುವುದು ಸಾವಕಾಶವಾಗತಕ್ಕ ಅಥವಾ ರೋಗವು ಗುಣವಾಗದಿರುವುದಕ್ಕೆ ಕಾರಣವಾಗುವಂಥ ಯಾವ ಕೆಲಸವನ್ನಾಗಲಿ ಮಾಡತಕ್ಕುದಲ್ಲ;

(c) ಮೆಡಿಕಲ್ ಆಫೀಸರ, ಮೆಡಿಕಲ್ ಅಟೆಂಡೆಂಟರ, ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ "ರೆಗ್ಯುಲೇಷನು"ಗಳ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲ್ಪಟ್ಟಿರಬಹುದಾದ ಬೇರೆ ಅಧಿಕಾರಿಗಳ ಅಪ್ಪಣೆ ಪಡೆಯದೆ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಚಿಕಿತ್ಸೆ ಕೊಡಲ್ಪಡುತ್ತಿರುವ ಸ್ಥಳವನ್ನು ಬಿಟ್ಟುಹೋಗತಕ್ಕುದಲ್ಲ; ಮತ್ತು

(d) ಕ್ರಮವಾಗಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟ ಯಾವ ಮೆಡಿಕಲ್ ಆಫೀಸರಿಂದಾಗಲಿ, ಅಥವಾ ರೋಗಿಗಳನ್ನು ಪರೀಕ್ಷಾರ್ಥವಾಗಿ ಬಂದು ಕಾಣುವ 'ಸಿಕ್ ವಿಜಿಟರಿಂ'ದಾಗಲಿ ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಂದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರಿಂದ) ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟಿರುವ ಇತರ ಯಾರಿಂದಾಗಲಿ ತನ್ನ ದೇಹ ಪರೀಕ್ಷೆ ನಡೆಯಲು ಆತನು ಅವಕಾಶಕೊಡತಕ್ಕುದು.

65. **ಬೇರೆ ಬೇರೆ ಸಹಾಯಗಳನ್ನು ಕೂಡಿಸಿಕೊಂಡು ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ.**—

(1) ವಿಮೆ ಮಾಡಿರತಕ್ಕವರು ಯಾವುದಾದರೂ ಒಂದೇ ಅವಧಿಯ ವಿಷಯದಲ್ಲಿ ಏಕ ಕಾಲದಲ್ಲಿ—

(a) ರೋಗದ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ಮತ್ತು ಹೆರಿಗೆಯ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(b) ರೋಗದ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ಮತ್ತು ಹಂಗಾಮಿಯಾಗಿ ಅಶಕ್ತರಾದ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ,

(c) ಹೆರಿಗೆಯ ಪ್ರಯುಕ್ತ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ಮತ್ತು ಹಂಗಾಮಿಯಾಗಿ ಅಶಕ್ತರಾದ ಪ್ರಯುಕ್ತ, ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನೂ ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

(2) ಒಬ್ಬ ಮನುಷ್ಯನು (1)ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಿ ತಿಳಿಸಿರತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯಗಳಲ್ಲಿ ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಸಂಖ್ಯೆಯ ಸಹಾಯ ದ್ರವ್ಯಗಳಲ್ಲಿ ಯಾವುದೊಂದನ್ನಾದರೂ ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, ಆ ಸಹಾಯ ದ್ರವ್ಯಗಳ ಪೈಕಿ ಯಾವುದು ತನಗೆ ಕೊಡಲ್ಪಡಬೇಕೆಂಬುದನ್ನು ಚುನಾಯಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಆತನು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕದ್ದು.

66. **ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಯಜಮಾನನಿಂದ ನಷ್ಟ ಭರ್ತಿ ಪರಿಹಾರವನ್ನು ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗಿರತಕ್ಕ ಅಧಿಕಾರ.**—(1) ಒಂದು ಕಾರ್ಖಾನೆಗಾಗಲಿ ಅಥವಾ ಕೆಲಸ ನಡೆಯಿಸುವ ವ್ಯವಸ್ಥೆಗಾಗಲಿ ಅನ್ವಯಿಸತಕ್ಕ ಯಾವುದೇ ಕಾನೂನಿನಿಂದ ಅಥವಾ ಕಾನೂನಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರರು ಸುರಕ್ಷಿತವಾಗಿ ನೋಡಿಕೊಳ್ಳಲ್ಪಡುವ ಸಂಬಂಧದಲ್ಲಿ ರಚಿತವಾದ ನಿಬಂಧನೆಗಳಲ್ಲಿ ಯಾವುವನ್ನಾಗಲಿ ಯಜಮಾನನು ಗನುನಿಸದೆ ತಪ್ಪಿದ ಕಾರಣದಿಂದಾಗಲಿ ಅಥವಾ ಯಜಮಾನನ ಅಥವಾ ಅವನ ಮುತಾಲಿಕನ ತಪ್ಪಿತದ ಕಾರಣದಿಂದಾಗಲಿ ಒಬ್ಬ ವಿಮೆ ಮಾಡಿರತಕ್ಕವನಿಗೆ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರನಾಗಿ ಕೆಲಸಮಾಡುತ್ತಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವುದಾದರೂ ಉದ್ಯೋಗ ಸಂಬಂಧವಾದ ಜಖಂ ಆಗಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಕೆಲಸಗಾರರಿಗೆ ಪರಿಹಾರವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ 1928ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ (ಎಂದರೆ 1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ) 12ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಪರಿಹಾರವನ್ನು ಕಟ್ಟಿಕೊಡಬೇಕಾದ ಬದ್ಧತೆಯಿರತಕ್ಕ ಯಜಮಾನನಿಂದ ಅಥವಾ ಮುಖ್ಯ ಯಜಮಾನನಿಂದ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಆಗಿಂದಾಗ್ಗೆ ತರಬೇಕಾಗುವ ಹಣದ ಮೇಲೆ "ಆಕ್ಚ್ಯುಯರಿ" ಎಂಬ ಅಧಿಕಾರಿಯು ಲೆಕ್ಕಹಾಕಿ ತತ್ಕಾಲದ ಮೌಲ್ಯವೆಂದು ನಿರ್ಧರಿಸತಕ್ಕ ಮೊಬಲಗನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕದ್ದು.

(2) ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗೆ, ಆಗಿಂದಾಗ್ಗೆ ಕೊಡಲ್ಪಡಬೇಕಾಗುವ ಹಣಗಳ ತತ್ಕಾಲದ ಮೌಲ್ಯವನ್ನು 'ಆಕ್ಚ್ಯುಯರಿ' ಯವರು ಲೆಕ್ಕ ಹಾಕುವುದನ್ನು ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ "ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ") ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲ್ಪಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ ನಿರ್ಧರಿಸತಕ್ಕದ್ದು.

67. **ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ನಷ್ಟವಾಗದಂತಿರುವುದಕ್ಕೆ ಪರಿಹಾರ ದೊರೆಯುವುದಕ್ಕಿರುವ ಹಕ್ಕು.**—ಒಬ್ಬ ವಿಮೆ ಮಾಡಿರುವವನಿಗೆ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರತಕ್ಕ ಯಾವ ಕಾನೂನಿನ ಮೇರೆಗಾದರೂ ಉದ್ಯೋಗ ನಿಮಿತ್ತವಾದ ಒಂದು ಜಖಮಿನ ಸಂಬಂಧದಲ್ಲಿ ಪರಿಹಾರ ದ್ರವ್ಯವು ಅಥವಾ ನಷ್ಟ ಭರ್ತಿರೂಪದ ಪರಿಹಾರ ದ್ರವ್ಯವು ತನ್ನ ಯಜಮಾನನಿಂದಾಗಲಿ ಅಥವಾ ಬೇರೆ ಯಾರಿಂದಲಾಗಲಿ ಬರಬೇಕಾಗಿರುವ ಅಥವಾ ವಸೂಲಾಗಬೇಕಾಗಿರುವ ಹಕ್ಕಿದ್ದು (ಅದು ಆತನಿಗೆ ಬಂದಿಲ್ಲದಿದ್ದರೆ ಅಥವಾ ವಸೂಲಾಗಿಲ್ಲದಿದ್ದರೆ) ಮತ್ತು ಆ ರೀತಿ ಬರಬೇಕಾಗಿರುವ ಅಥವಾ ವಸೂಲಾಗಬೇಕಾಗಿರುವ ಹಕ್ಕು ಯಜಮಾನ ಅಥವಾ ಅವನ ಮುತಾಲಿಕನಲ್ಲದ ಬೇರೊಬ್ಬ ಮನುಷ್ಯನು ಅದನ್ನು ಕಟ್ಟಿಕೊಡಬೇಕಾದ ಕಾನೂನಿನ ಬದ್ಧತೆಯಿರತಕ್ಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಉಂಟಾಗಿದ್ದರೆ, ಹಾಗೆ ಕಾನೂನಿನ ಬದ್ಧತೆಯಿರತಕ್ಕ ಆ ಮನುಷ್ಯನಿಂದ ಆ ಹಣವು ಕೊಡಲ್ಪಡಬೇಕಾದ ಹಕ್ಕು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ಇರತಕ್ಕದ್ದು:

ಪರಂತು, 66ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊರತು, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರನಾಗಿದ್ದು ಉದ್ಯೋಗ ನಿಮಿತ್ತವಾದ ಜಖಮನ್ನು ಪಡೆಯುವ ಕೆಲಸಗಾರನ ಸಂಬಂಧದಲ್ಲಿ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು) ಕಟ್ಟಿರತಕ್ಕ ಯಜಮಾನನಿಂದ ಆ ರೀತಿ ಹಣವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೆ) ಹಕ್ಕಿರತಕ್ಕದ್ದಲ್ಲ.

68. **ಮುಖ್ಯ ಯಜಮಾನನು ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು) ಪಾವತಿಮಾಡಲು ತಪ್ಪಿದರೆ ಆ ಹಣವನ್ನು ವಸೂಲುಮಾಡಲು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಇರತಕ್ಕ ಅಧಿಕಾರ.**—(1) ಯಾವ ಮುಖ್ಯ ಯಜಮಾನನಾಗಲಿ, ತಾನು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಯಾವನಾದರೂ ಕೆಲಸಗಾರನ ಸಂಬಂಧದಲ್ಲಿ ಪಾವತಿಮಾಡಬೇಕಾಗಿರುವ ಯಾವುದಾದರೂ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು (ಎಂದರೆ ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಮೊಬಲಗನ್ನು) ಪಾವತಿಮಾಡಲು ತಪ್ಪಿದರೆ ಅಥವಾ ಅಸಡ್ಡೆ ಮಾಡಿದರೆ ಮತ್ತು ಹಾಗೆ ಪಾವತಿಮಾಡಲು ತಪ್ಪಿದ ಅಥವಾ ಅಸಡ್ಡೆ ಮಾಡಿದ ಕಾರಣದಿಂದ ಅಂಥ ಮನುಷ್ಯನಿಗೆ ಯಾವುದಾದರೂ ಮೊಬಲಗನ್ನು ಪಡೆಯುವ ಹಕ್ಕು ತಪ್ಪಿಹೋದ ಪಕ್ಷದಲ್ಲಿ ಅಥವಾ ಕಡಮೆ ದರದಲ್ಲಿ ಮೊಬಲಗನ್ನು ಪಡೆಯಲು ಹಕ್ಕು ಉಂಟಾದ ಪಕ್ಷದಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು, ಮುಖ್ಯ ಯಜಮಾನನಿಂದ ಸಹಾಯದ್ರವ್ಯವು (ಎಂದರೆ "ಕಾಂಟ್ರಿ

ಬ್ಯೂಷರ್ '' ಮೊಬಲಗು) ಪಾವತಿಮಾಡಲ್ಪಡಬೇಕಾಗಿದ್ದಿತೆಂದು ಅವರಿಗೆ ದೃಢವಾಗಿ ಕಂಡು ಬಂದ ಮೇಲೆ, '' ಕಾಂಟ್ರಿಬ್ಯೂಷರ್ '' ಮೊಬಲಗನ್ನು ಪಾವತಿಮಾಡಲು ತಪ್ಪಿದ ಅಥವಾ ಅಸಡ್ಡೆ ಮಾಡಿದ ಪ್ರಸಂಗ ಉಂಟಾಗದಿದ್ದರೆ ಆ ಕೆಲಸಗಾರರು ಯಾವ ದರದಲ್ಲಿ ಹಣವನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರುತ್ತಿದ್ದನೋ ಆ ದರದಲ್ಲಿ ಆ ಕೆಲಸಗಾರನಿಗೆ ಆ ಹಣವನ್ನು ಪಾವತಿ ಮಾಡ ಬಹುದು ; ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ಈ ಕೆಳಗೆ ಕಂಡ ಮೊಬಲಗನ್ನು ಮುಖ್ಯ ಯಜ ಮಾನನಿಂದ ವಸೂಲುಮಾಡಿಕೊಳ್ಳಲು ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕದು:—

(i) ಮೇಲೆ ಹೇಳಿದಂತೆ ಕೆಲಸಗಾರನಿಗೆ ಪಾವತಿ ಮಾಡಲ್ಪಟ್ಟ ಮೊಬಲಗಿಗೂ ಮತ್ತು ಯಜಮಾನನಿಂದ ಕೊಡಲ್ಪಡಬೇಕಾಗಿದ್ದ '' ಕ್ರಾಂಟ್ರಿಬ್ಯೂಷರ್ '' ಮೊಬಲಗು ಗಳ ಆಧಾರದ ಮೇಲೆ ಕೆಲಸಗಾರನಿಗೆ ಪಾವತಿಯಾಗಲು ಅವಕಾಶವಿದ್ದ ಮೊಬಲಗಿಗೂ ಇರುವ ವ್ಯತ್ಯಾಸದಷ್ಟು ಮೊಬಲಗು ; ಅಥವಾ

(ii) ಯಜಮಾನನು ಎಷ್ಟು ''ಕಾಂಟ್ರಿಬ್ಯೂಷರ್'' ಮೊಬಲಗನ್ನು ಪಾವತಿಮಾಡದೆ ತಪ್ಪಿದನೋ ಅಥವಾ ಅಸಡ್ಡೆ ಮಾಡಿದನೋ ಅಷ್ಟು ಮೊಬಲಗಿನ ಎರಡರಷ್ಟು ಮೊಬಲಗು ; ಇವೆರಡರಲ್ಲಿ ಯಾವುದು ಹೆಚ್ಚಿನ ಮೊಬಲಗೋ ಆ ಮೊಬಲಗು.

(2) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ವಸೂಲಾಗಬೇಕಾದ ಮೊಬಲಗು ಜಮೀನು ಕಂದಾ ಯದ ಬಾಕಿಯಂತೆ ವಸೂಲು ಮಾಡಲ್ಪಡಬಹುದು.

69. ಕೆಲಸಗಾರರಿಗೆ ಹೆಚ್ಚಿನ ಅಸ್ವಸ್ಥತೆಯುಂಟಾದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಧಿಕ ಪ್ರಮಾಣದಲ್ಲಿ ಕೆಲಸಗಾರರಿಗೆ ಹಣವನ್ನು ಕೊಡುವ ವಿಷಯದಲ್ಲಿ ಕಾರ್ಖಾನೆಗಳೇ ಮುಂತಾದವುಗಳ ಮಾಲೀಕನ ಅಥವಾ ಸ್ವಾಧೀನದಾರನ ಬದ್ಧತೆ.—(1) ವಿಮೆ ಮಾಡಿರುವ ಕೆಲಸಗಾರರಿಗೆ ಉಂಟಾಗಿರುವ ಶರೀರದ ಅಸ್ವಸ್ಥತೆಯು.—

(i) ಒಂದು ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಅಥವಾ ಕೆಲಸ ನಡೆಯುವ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಕೆಲಸ ನಡೆ ಸುವುದರಲ್ಲಿರತಕ್ಕ ಅನಾರೋಗ್ಯಕರವಾದ ಪರಿಸ್ಥಿತಿಯ ಪ್ರಯುಕ್ತವಾಗಿ ಅಥವಾ ಕಾರ್ಖಾನೆಯ ಮಾಲೀಕನು ಅಥವಾ ಸ್ವಾಧೀನದಾರನು ಯಾವುದಾ ದರೂ ಕಾನೂನಿನ ಮೇರೆಗೆ ತಾನು ಅನುಸರಿಸಬೇಕೆಂದು ವಿಧಾಯಕವಾಗಿ ರುವ ಯಾವುದಾದರೂ ಆರೋಗ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ನಿರೂಪಣೆಗಳನ್ನು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳನ್ನು) ಅನುಸರಿಸಿ ನಡೆಯದೆ ತಪ್ಪಿದುದರ ಪ್ರಯು ಕ್ತವಾಗಿ, ಅಥವಾ

(ii) ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಕೆಲಸಗಾರರು ವಾಸಮಾಡತಕ್ಕ ಯಾವುದಾದರೂ ಬಾಡಿಗೆ ಮನೆಗಳಲ್ಲಿ ಅಥವಾ ವಸತಿಗಳಲ್ಲಿ ಇರತಕ್ಕ ಅನಾರೋಗ್ಯಕರವಾದ ಪರಿಸ್ಥಿತಿಯು ಪ್ರಯುಕ್ತವಾಗಿ ಮತ್ತು ಅಂಥ ಅನಾರೋಗ್ಯಕರವಾದ ಪರಿಸ್ಥಿತಿಯು ಆ ಬಾಡಿಗೆ ಮನೆಗಳ ಅಥವಾ ವಸತಿಗಳ ಮಾಲೀಕನು ಯಾವುದಾದರೂ ಕಾನೂ ನಿನಿಂದ ಅಥವಾ ಕಾನೂನಿನ ಮೇರೆಗೆ ತಾನು ಅನುಸರಿಸಬೇಕೆಂದು ವಿಧಾ ಯಕವಾಗಿರುವ ಯಾವುದಾದರೂ ಆರೋಗ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ನಿರೂಪಣೆ ಗಳನ್ನು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನ್ನುಗಳನ್ನು) ಅನುಸರಿಸದೆ ತಪ್ಪಿದುದರ ಪ್ರಯುಕ್ತವಾಗಿ,

ಪ್ರಬಲವಾಗಿದೆಯೆಂದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು ಭಾವಿ ಸಿದ ಸಂದರ್ಭದಲ್ಲಿ ಆ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ಆ ಕಾರ್ಖಾನೆಯ ಅಥವಾ ಕೆಲಸ ನಡೆಯುವ ವ್ಯವಸ್ಥೆಯ ಮಾಲೀಕನಿಗೆ ಅಥವಾ ಸ್ವಾಧೀನದಾರ ನಿಗಿ ಅಥವಾ ಆ ಬಾಡಿಗೆ ಮನೆಗಳ ಅಥವಾ ವಸತಿಗಳ ಮಾಲೀಕನಿಗೆ, ರೋಗದ ಪ್ರಯುಕ್ತ ಕೆಲಸಗಾರರಿಗೆ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ಪಾವತಿಮಾಡಿದ ಸಂಬಂಧದಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವ ರಿಂದ ಖರ್ಚು ಮಾಡಲ್ಪಟ್ಟ ಹೆಚ್ಚಿಗೆ ವೆಚ್ಚದ ಮೊಬಲಗನ್ನು ಪಾವತಿಮಾಡಬೇಕೆಂದು ಒಂದು ಹಕ್ಕುಸಾಧನೆಯ ಪತ್ರವನ್ನು ಕಳುಹಿಸಬಹುದು ; ಮತ್ತು ಆ ಹಕ್ಕು ಒಡಂಬಡಿಕೆಯಿಂದ ಇತ್ಯರ್ಥ ವಾಗದೆ ಹೋದಪಕ್ಷದಲ್ಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ಆ ವಿಚಾರವನ್ನು, ಅವರ ಹಕ್ಕನ್ನು ಪುಷ್ಟೀಕರಿಸುವ ಒಂದು ವಿವರಣೆಯ ಸಮೇತ, ಸರ್ಕಾರದವರ ಪರಿಶೀಲನೆಗೆ ಒಪ್ಪಿಸ ಬಹುದು.

(2) ಅದು ವಿಚಾರಣೆಗೆ ಅರ್ಹವಾಗಿರುವ ಪರಿಷ್ಕಾರವಾದ ಸಂಧರ್ಭವೆಂದು ಕಂಡು ಬಂದಿರುವುದಾಗಿ ಸರ್ಕಾರದವರು ಅಭಿಪ್ರಾಯಪಟ್ಟ ಪಕ್ಷದಲ್ಲಿ ಅವರು ಆ ವಿಚಾರದಲ್ಲಿ ಒಂದು ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸಲು ದಕ್ಷರಾದವರನ್ನು ನೇಮಕಮಾಡಬಹುದು.

(3) ಅಂಥ ವಿಚಾರಣೆಯು ನಡೆದ ಮೇಲೆ, ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಕೆಲಸಗಾರರಲ್ಲಿ ಹೆಚ್ಚು ಅಸ್ವಸ್ಥತೆಯುಂಟಾಗಿರುವುದಕ್ಕೆ ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ಕಾರ್ಖಾನೆಯ ಮಾಲೀ ಕನ ಅಥವಾ ಸ್ವಾಧೀನದಾರನ ಅಥವಾ ಬಾಡಿಗೆ ಮನೆಗಳ ಅಥವಾ ವಸ್ತು ಸ್ಥಳಗಳ ಮಾಲೀಕನ ತಪ್ಪಿತ ಅಥವಾ ಅಸಡ್ಡೆಯೇ ಕಾರಣವೆಂದು ವಿಚಾರಣೆ ನಡೆಯಿಸಲು ನೇಮಕವಾಗಿರತಕ್ಕವರಿಗೆ ಸಮರ್ಪಕವಾಗುವ ರೀತಿಯಲ್ಲಿ ರುಜುವಾತಾದರೆ ಅಸ್ವಸ್ಥತೆಯ ಸಂದರ್ಭಗಳಲ್ಲಿ ರಿಯಾಯಿತಿ ಸೌಕರ್ಯವನ್ನು * ಒದಗಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಖರ್ಚಾದ ಹೆಚ್ಚಿಗೆ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನೂ ಮತ್ತು ಅಂಥ ಮೊಬಲಗು ಪೂರ್ತಿಯಾಗಿ ಅಥವಾ ಅಂಥ ಮೊಬಲಗಿನ ಯಾವುದಾದರೊಂದು ಭಾಗವು ಯಾವ ಮನುಷ್ಯನಿಂದ ಅಥವಾ ಮನುಷ್ಯರಿಂದ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಪಾವತಿ ಮಾಡಲ್ಪಡ ತಕ್ಕದೆಂಬುದನ್ನೂ ಅವರು (ಎಂದರೆ ವಿಚಾರಣೆಗೆ ನೇಮಕವಾಗಿರತಕ್ಕವರು ಗೊತ್ತುಮಾಡ ತಕ್ಕದು.

(4) ಮೇಲಿನ (3)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ನಿರ್ಧರವಾದ ಮೊಬಲಗಿನ ಸಂಬಂಧವಾದ ತೀರ್ಮಾನವು ಅದು ಸಿವಿಲ್ ಕೋರ್ಟಿನ ಒಂದು ದಾವೆಯ ಸಂಬಂಧದಲ್ಲಿ ಹಣ ಪಾವತಿಗಾಗಿ ಆ ಕೋರ್ಟಿನವರಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಒಂದು ಡಿಕ್ರಿಯಂತ ಜಾರಿಗೆ ತರಲ್ಪಡಬಹುದು.

(5) ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ಬಾಡಿಗೆ ಮನೆಗಳ ಅಥವಾ ವಸತಿಸ್ಥಳಗಳ "ಮಾಲೀಕ" ಎಂಬ ಅರ್ಥದಲ್ಲಿ ಆ ಮಾಲೀಕನ ಯಾವನಾದರೂ ಮುತಾಲಿಕನೂ ಮತ್ತು ಆ ಮಾಲೀಕನ ಗೇಣಿದಾರನಾಗಿ ಆ ಬಾಡಿಗೆ ಮನೆಗಳ ಅಥವಾ ವಸತಿಸ್ಥಳಗಳ ಬಾಡಿಗೆಯನ್ನು ವಸೂಲ್ಮಾಡುವುದಕ್ಕೆ ಅಧಿಕಾರ ಪಡೆದಿರುವ ಯಾವನಾದರೂ ಮನುಷ್ಯನೂ ಸೇರಿರುತ್ತಾರೆ.

70. ಕಾನೂನು ಪ್ರಕಾರ ಅನುಕೂಲ್ಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಹಕ್ಕಿಲ್ಲದಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಪಡೆದ ಅನುಕೂಲ್ಯದ ಮೌಲ್ಯದಷ್ಟು ಮೊಬಲಗನ್ನು ವಾಪಸು ಪಾವತಿಮಾಡುವುದು.—(1) ಯಾವ ಮನುಷ್ಯನಾಗಲಿ, ಅವನಿಗೆ ಕಾನೂನು ಪ್ರಕಾರ ಯಾವುದಾದರೂ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯವನ್ನು ಪಡೆಯಲು ಹಕ್ಕಿಲ್ಲದಿರುವಾಗ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅಂಥ ಯಾವುದಾದರೂ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯವನ್ನು ಅಥವಾ ಹಣವನ್ನು ಪಡೆದಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಅವನು ಆ ರೀತಿ ಪಡೆದಿರುವ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯದಷ್ಟು ಮೊಬಲಗನ್ನು ಅಥವಾ ಹಣವನ್ನು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ವಾಪಸು ಪಾವತಿ ಮಾಡತಕ್ಕದು, ಅಥವಾ ಅವನು ಮೃತಪಟ್ಟ ಸಂದರ್ಭದಲ್ಲಿ ಅವನ ಪ್ರತಿನಿಧಿಯು, ಅವನ ವಶದಲ್ಲಿ ಮೃತಪಟ್ಟ ಮನುಷ್ಯನ ಸ್ವತ್ತುಗಳೇನಾದರೂ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆ ಸ್ವತ್ತುಗಳಿಂದ ಆ ಮೊಬಲಗನ್ನು ವಾಪಸು ಪಾವತಿಮಾಡಲು ಬದ್ಧನಾಗಿರತಕ್ಕದು.

(2) ನಗದು ಹಣದ ರೂಪದಲ್ಲಿ ಪಡೆದ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳನ್ನು ಬಿಟ್ಟು ಇತರ ರೀತಿಯಲ್ಲಿ ಪಡೆದ ಮತ್ತಾವುದಾದರೂ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳ ಮೌಲ್ಯವು, ಈ ವಿಚಾರದಲ್ಲಿ ಏರ್ಪಟ್ಟಿರುವ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲ್ಪಟ್ಟಿರಬಹುದಾದಂಥ ಅಧಿಕಾರಿಯಿಂದ ಗೊತ್ತುಮಾಡಲ್ಪಡತಕ್ಕದು ಮತ್ತು ಅಂಥ ಅಧಿಕಾರಿಯ ತೀರ್ಮಾನವೇ ಆ ವಿಚಾರದಲ್ಲಿ ಆಖೈರು ತೀರ್ಮಾನವಾಗಿರತಕ್ಕದು.

(3) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ವಸೂಲ್ಮಾಡಲ್ಪಡಬೇಕಾದ ಮೊಬಲಗು ಜಮೀನು ಕಂದಾಯದ ಬಾಕಿಯಂತೆ ವಸೂಲ್ಮಾಡಲ್ಪಡಬಹುದು.

71. ಮರಣ ಹೊಂದಿದ ದಿನದವರೆಗೆ ಮತ್ತು ಆ ದಿವನನ್ನೂ ಸೇರಿಸಿಕೊಂಡು ಅನುಕೂಲ್ಯದ ಮೊತ್ತವನ್ನು ಪಾವತಿ ಮಾಡುವುದು.—ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ನಗದು ರೂಪವಾಗಿ ಅನುಕೂಲ್ಯದ ಮೊತ್ತವನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳ ಕಾಲಾವಧಿಯಲ್ಲಿ ಮರಣ ಹೊಂದಿದರೆ ಅಂಥ ಸಹಾಯ ದ್ರವ್ಯದ ಮೊಬಲಗಳನ್ನು, ಆತನು ಮರಣ ಹೊಂದಿದ ದಿನದವರೆಗೆ ಮತ್ತು ಆ ದಿನವನ್ನೂ ಸೇರಿಸಿಕೊಂಡು, ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ನಮೂದಿಸಲ್ಪಟ್ಟಿರಬಹುದಾದಂಥ ನಮೂನೆಯಲ್ಲಿ ತನ್ನ ಮರಣವೇನಾದರೂ ಸಂಭವಿಸಿದಲ್ಲಿ ಫಲಾನಾ ಮನುಷ್ಯನಿಗೆ ಆ ಮೊಬಲಗು ಪಾವತಿಯಾಗಬೇಕೆಂದು ಬರೆಹ ಮೂಲಕವಾಗಿ ಮೃತನಾದ ಮನುಷ್ಯನಿಂದ ನೇಮಕಮಾಡಲ್ಪಟ್ಟ ಫಲಾನಾ ಯಾವನಾದರೂ ಮನುಷ್ಯನಿಗಾಗಲಿ ಅಥವಾ ಹಾಗೆ ಯಾರೊಬ್ಬರೂ ಮೃತನಾದ ಆ ಮನುಷ್ಯನಿಂದ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿಲ್ಲದಿದ್ದಲ್ಲಿ ಆತನ ವಾರಸುದಾರನಿಗಾಗಲಿ ಅಥವಾ ಕಾನೂನು ಸಮ್ಮತನಾದ ಆತನ ಪ್ರತಿನಿಧಿಗಾಗಲಿ ಪಾವತಿಮಾಡತಕ್ಕದು.

72. ಯಜಮಾನನು ಕೂಲಿ ಅಥವಾ ಸಂಬಳಗಳೇ ಮೊದಲಾದವುಗಳನ್ನು ಕಡಮೆಮಾಡತಕ್ಕದಲ್ಲ.—ಯಾವ ಯಜಮಾನನೂ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪಾವತಿ ಮಾಡಬೇಕಾಗುವ ಯಾವುದಾದರೂ ಸಹಾಯದ್ರವ್ಯಗಳ (ಎಂದರೆ 'ಕಾಂಟ್ರಿಬ್ಯೂಷನ್'' ಮೊಬಲಗುಗಳ) ಪಾವತಿಗೆ ತಾನು ಬದ್ಧನಾಗಿರುವ ಕಾರಣ ಮಾತ್ರದಿಂದಲೇ ಯಾವನಾದರೂ ಕೆಲಸಗಾರನ ಕೂಲಿ ಅಥವಾ ಸಂಬಳಗಳನ್ನು ಪ್ರತ್ಯಕ್ಷವಾಗಿಯಾಗಲಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿಯಾಗಲಿ ಕಡಿಮೆ ಮಾಡತಕ್ಕದಲ್ಲ ಅಥವಾ ನಿರೂಪಣೆಗಳಲ್ಲಿ (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ) ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿದ್ದ ಹೊರತು, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಧಿಸಲ್ಪಟ್ಟಿರುವ ಅನುಕೂಲ್ಯಗಳನ್ನೇ ಹೋಲುವಂತಿದ್ದು, ಆತನ ಕೆಲಸದ ಷರತ್ತುಗಳಮೇರೆಗೆ ಆತನಿಗೆ ಸಲ್ಲಬಹುದಾದ ಅನುಕೂಲ್ಯಗಳನ್ನು ನಿಲ್ಲಿಸತಕ್ಕದಲ್ಲ ಅಥವಾ ಕಡಮೆ ಮಾಡತಕ್ಕದಲ್ಲ.

73. ರೋಗ ಕಾಲ ಮುಂತಾದ ಅವಧಿಯಲ್ಲಿ ಯಜಮಾನನು ಕೆಲಸಗಾರನನ್ನು ಬರ್ತರ್ಫ್ ಮಾಡತಕ್ಕದಲ್ಲ ಅಥವಾ ಶಿಕ್ಷಿಸತಕ್ಕದಲ್ಲ.—(1) ಯಾವ ಯಜಮಾನನಾಗಲಿ, ಕೆಲಸಗಾರರು ಕಾಯಿಲೆಯಾಗಿರುವ ಪ್ರಯುಕ್ತವಾಗಿ ಸಹಾಯದ ಮೊಬಲಗನ್ನಾಗಲಿ ಅಥವಾ ಕೆಲಸಗಾರರಾದ ಹೆಂಗಸರು ಹೆರಿಗೆಯ ಸಂಬಂಧದ ಸೌಕರ್ಯವನ್ನಾಗಲಿ ಪಡೆಯುತ್ತಿರುವ ಅವಧಿಯಲ್ಲಿ, ಅವರನ್ನು ಬರ್ತರ್ಫ್ (ಎಂದರೆ "ಡಿಸ್ಮಿಸ್") ಮಾಡತಕ್ಕದಲ್ಲ. ಕೆಲಸದಿಂದ ವಜಾಮಾಡತಕ್ಕದಲ್ಲ ಅಥವಾ ಕಡಮೆ ಕೆಲಸಕ್ಕೆ ಹಾಕತಕ್ಕದಲ್ಲ, ಅಥವಾ ಇತರ ವಿಧದಲ್ಲಿ ಶಿಕ್ಷಿಸತಕ್ಕದಲ್ಲ ಅಥವಾ ಆತನು "ರೆಗ್ಯೂಲೇಷನು"ಗಳಲ್ಲಿ ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದ್ದ ಹೊರತು. ಕೆಲಸಗಾರನು, ಹಂಗಾಮಿಯಾಗಿ ಅಸಕ್ತನಾಗಿರುವ ಪ್ರಯುಕ್ತ (ಅಶಕ್ತರಾದವರಿಗೆ ಲಭಿಸುವ ಅನುಕೂಲ್ಯದ) ಹಣವನ್ನು ಪಡೆಯುತ್ತಿದ್ದರಾಗಲಿ ಅಥವಾ ರೋಗದಿಂದ ನರಳುತ್ತಿರುವ ಪ್ರಯುಕ್ತ ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆಯುತ್ತಿದ್ದರಾಗಲಿ ಅಥವಾ ಕೆಲಸಮಾಡುತ್ತಿದ್ದ ಹೆಂಗಸರು ಬಸುರಿ ಬಾಣಂತಿಯರಾಗಿರುವುದರ ದೆಸೆಯಿಂದ ಕೆಲಸಮಾಡಲು ಶಕ್ತರಾಗಿಲ್ಲವೆಂಬುದಾಗಿ ರೆಗ್ಯುಲೇಷನ್ನುಗಳನ್ನನುಸರಿಸಿ ಸರ್ಟಿಫೈಮಾಡಲ್ಪಟ್ಟ ಪರಿಣಾಮವಾಗಿ ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗಿಲ್ಲದಿದ್ದರಾಗಲಿ, ಆ ಅವಧಿಯಲ್ಲಿ ಅಂಥವರನ್ನು ಬರ್ತರ್ಫ್ ಮಾಡತಕ್ಕದಲ್ಲ, ವಜಾಮಾಡತಕ್ಕದಲ್ಲ ಅಥವಾ ಕಡಮೆ ಕೆಲಸಕ್ಕೆ ಹಾಕತಕ್ಕದಲ್ಲ ಅಥವಾ ಇತರ ವಿಧದಲ್ಲಿ ಶಿಕ್ಷಿಸತಕ್ಕದಲ್ಲ.

(2) ಮೇಲಿನ (1)ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ಅವಧಿಯಲ್ಲಿ, ಕೆಲಸದಿಂದ ಬರ್ತರ್ಫ್‌ಮಾಡಲ್ಪಟ್ಟಿರುವಂತಾಗಲಿ, ಅಥವಾ ವಜಾ ಮಾಡಲ್ಪಟ್ಟಿರುವಂತಾಗಲಿ

ಅಥವಾ ಕಡಮೆ ಕೆಲಸಕ್ಕೆ ಹಾಕಲ್ಪಟ್ಟಿರುವಂತಾಗಲಿ ಕೆಲಸಗಾರನಿಗೆ ಕೊಡಲ್ಪಟ್ಟ ಯಾವ ತಿಳಿವಳಿಕೆಯ ಪತ್ರವೂ (ಎಂದರೆ "ನೋಟೀಸು") ಸಿಂಧುವಾಗತಕ್ಕದಲ್ಲ ಅಥವಾ ಜಾರಿಗೆ ಬರತಕ್ಕದಲ್ಲ.

VIನೆಯ ಅಧ್ಯಾಯ.

ವಿವಾದಗಳನ್ನು ಮತ್ತು ಹಕ್ಕು ಸಾಧನೆ ಮನವಿಗಳನ್ನೂ ತೀರ್ಮಾನಿಸುವುದು.

74. ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟನ್ನು ವ್ಯವಸ್ಥೆಗೊಳಿಸುವುದು.—(1)ಸರ್ಕಾರದವರು, ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ, ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕಂಥ ಸ್ಥಳೀಯ ಪ್ರದೇಶದಲ್ಲಿ, ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಒಂದು ವಿಮಾ ಕೋರ್ಟನ್ನು (ಎಂದರೆ ಇನ್ಷ್ಯೂರೆನ್ಸ್ ಕೋರ್ಟನ್ನು) ಏರ್ಪಡಿಸತಕ್ಕದು.

(2) ಆ ಕೋರ್ಟಿನಲ್ಲಿ, ಸರ್ಕಾರದವರು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಷ್ಟು ಮಂದಿ ಜಡ್ಜಿಗಳು ಇರತಕ್ಕದು.

(3) ಯಾರಾದರೂ, ಜ್ಯುಡಿಷಿಯಲ್ ಆಫೀಸರಾಗಿರತಕ್ಕವರು ಅಥವಾ ಜ್ಯುಡಿಷಿಯಲ್ ಆಫೀಸರಾಗಿದ್ದವರು ಅಥವಾ ಐದು ವರ್ಷಗಳ ಕಾಲ ಲೀಗಲ್ ಪ್ರಾಕ್ಟಿಷನರಾಗಿ ಕೆಲಸಮಾಡಿರತಕ್ಕವರು ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನಲ್ಲಿ ಜಡ್ಜಿಗಳಾಗಿರಲು ಅರ್ಹರಾಗಿರತಕ್ಕದು.

(4) ಸರ್ಕಾರದವರು ಒಂದೇ ಒಂದು ಕೋರ್ಟನ್ನು ಎರಡು ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚು ಸಂಖ್ಯೆಯ ಸ್ಥಳೀಯ ಪ್ರದೇಶಗಳಿಗಾಗಲಿ ಅಥವಾ ಎರಡು ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚು ಸಂಖ್ಯೆಯ ಕೋರ್ಟುಗಳನ್ನು ಒಂದೇ ಒಂದು ಸ್ಥಳೀಯ ಪ್ರದೇಶಕ್ಕಾಗಲಿ ನೇಮಕಮಾಡಬಹುದು.

(5) ಒಂದೇ ಒಂದು ಪ್ರದೇಶಕ್ಕೆ, ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ಕೋರ್ಟುಗಳನ್ನು ನೇಮಕ ಮಾಡಿದ್ದ ಪಕ್ಷದಲ್ಲಿ, ಸರ್ಕಾರದವರು, ಸಾಮಾನ್ಯ ಅಥವಾ ವಿಶೇಷ ರೀತಿಯ ಹುಕುಮಿನ ಮೂಲಕ, ಆಯಾ ಕೋರ್ಟುಗಳಲ್ಲಿ ನಡೆಯಿಸಲ್ಪಡಬೇಕಾದ ಕೆಲಸಗಳ ಹಂಚಿಕೆಯನ್ನು ಕ್ರಮಗೊಳಿಸಬಹುದು.

75. ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರಿಂದ ಇತ್ಯರ್ಥಪಡಿಸಲ್ಪಡಬೇಕಾದ ವಿಷಯಗಳು.—(1) ಈ ಕೆಳಗೆ ಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಪ್ರಶ್ನೆ ಅಥವಾ ವಿವಾದವು ಉಂಟಾದರೆ, ಎಂದರೆ.—

(a) ಈ ಆಕ್ಟಿನ ಅರ್ಥಕ್ಕೆ ಒಳಪಟ್ಟು ಯಾವಾನಾದರೂ ಮನುಷ್ಯನು ಕೆಲಸಗಾರನಾಗಿರುತ್ತಾನೆಯೆ ಅಥವಾ ಆತನು ಒಬ್ಬ ಕೆಲಸಗಾರನಿಂದ ಕೊಡಲ್ಪಡಬೇಕಾದ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ಕೊಡಲು ಬದ್ಧನಾಗಿರುತ್ತಾನೆಯೆ ಎಂಬ ವಿಷಯದಲ್ಲಿ, ಅಥವಾ

(b) ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಒಬ್ಬ ಕೆಲಸಗಾರನ ಕೂಲಿ ಅಥವಾ ಸಂಬಳಗಳ ದರವೆಷ್ಟು, ಅಥವಾ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿ ಅಥವಾ ಸಂಬಳಗಳೆಷ್ಟೆಂಬ ವಿಷಯದಲ್ಲಿ, ಅಥವಾ

(c) ಒಬ್ಬ ಮುಖ್ಯ ಯಜಮಾನನು ಯಾವನಾದರೂ ಕೆಲಸಗಾರನಿಗೆ ಪಾವತಿಮಾಡಬಹುದಾದ "ಕಾಂಟ್ರಿಬ್ಯುಷನ್" ಮೊಬಲಗಿನ ದರವೆಷ್ಟೆಂಬ ವಿಷಯದಲ್ಲಿ, ಅಥವಾ

(d) ಯಾವನಾದರೂ ಕೆಲಸಗಾರನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮುಖ್ಯ ಯಜಮಾನನಾಗಿರತಕ್ಕವನು ಯಾರು ಅಥವಾ ಮುಖ್ಯ ಯಜಮಾನನಾಗಿದ್ದವನು ಯಾರೆಂಬ ವಿಷಯದಲ್ಲಿ, ಅಥವಾ

(e) ಯಾವನಾದರೂ ಮನುಷ್ಯನಿಗಿರುವ ಯಾವುದಾದರೂ ಅನುಕೂಲ್ಯದ ಹಕ್ಕು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂದಪಟ್ಟ ಮೊಬಲಗು ಮತ್ತು ಕಾಲಾವಧಿ ಯಾವುದೆಂಬ ವಿಷಯದಲ್ಲಿ, ಅಥವಾ

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(f) 66ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಸೂಚಿಸಲ್ಪಟ್ಟಿರುವ ಮೇರೆಗೆ ಆಗಿಂದಾಗ್ಗೆ ಮಾಡಬಹುದಾದ ಪಾವತಿಗಳ ಮೇಲೆ ಆಕ್ಚುಯರಿಯವರು ನಿರ್ಧರಿಸತಕ್ಕ ತತ್ಕಾಲದ ಮೌಲ್ಯವೆಷ್ಟು, ಎಂಬ ವಿಷಯದಲ್ಲಿ, ಅಥವಾ

(g) ಕೆಲಸಕ್ಕೆ ನೇಮಕಮಾಡಿಕೊಳ್ಳುವ ಮುಖ್ಯ ಯಜಮಾನನಿಗೂ ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೂ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿಗೂ), ಅಥವಾ ಮುಖ್ಯ ಯಜಮಾನನಿಗೂ ಮತ್ತು (ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಗೂ, ಅಥವಾ ಒಬ್ಬ ಮನುಷ್ಯನಿಗೂ ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೂ, ಅಥವಾ ಒಬ್ಬ ನೌಕರನಿಗೂ ಮತ್ತು ಮುಖ್ಯ ಯಜಮಾನನಿಗೂ ಅಥವಾ (ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುವ ಯಜಮಾನನಿಗೂ) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪಾವತಿ ಮಾಡಲ್ಪಡಬೇಕಾಗಿರುವ ಅಥವಾ ವಸೂಲ್ಮಾಡಲ್ಪಡಬೇಕಾಗಿರುವ ಯಾವುದಾದರೂ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗಿನ ಅಥವಾ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯದ ಮೊಬಲಗಿನ ಅಥವಾ ಇತರ ಬಾಕಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ತಕರಾರಿಗೊಳಪಟ್ಟಿರುವ ಇತರ ಯಾವುದಾದರೂ ವಿಷಯದಲ್ಲಿ,

ಯಾವುದಾದರೂ ವಿವಾದವುಂಟಾದರೆ ಅಂಥ ಸಂಗತಿಯನ್ನು ಅಥವಾ ವಿವಾದವನ್ನು ಈ ಆಕ್ಟಿನ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರು ಅದನ್ನು ಇತ್ಯರ್ಥಪಡಿಸತಕ್ಕದು.

(2) ಈ ಕೆಳಗೆ ಕಂಡ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿಗಳನ್ನು ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರು ನಿರ್ಧರಿಸತಕ್ಕದು. ಆ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿಗಳಾವುವೆಂದರೆ:—

(a) ಕೆಲಸಕ್ಕೆ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳುವ ಮುಖ್ಯ ಯಜಮಾನನಿಂದ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ವಸೂಲ್ಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಹಕ್ಕು ಸಾಧನೆಯ ಮನವಿ ;

(b) ಕೆಲಸಗಾರರಿಂದ ಕೆಲಸವನ್ನು ತೆಗೆಯುವ ಯಜಮಾನನಿಂದ ಸಹಾಯದ್ರವ್ಯವನ್ನು (ಎಂದರೆ,) "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ವಸೂಲ್ಮಾಡುವುದಕ್ಕೆ ಮುಖ್ಯ ಯಜಮಾನನ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿ ;

(c) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು 66 ಅಥವಾ 67ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಜಮಾನನ ಮೇಲೆ ಅಥವಾ ಅದಕ್ಕೆ ಬದ್ಧನಾಗಿರುವ ಇತರ ಯಾವನಾದರೂ ಮನುಷ್ಯನ ಮೇಲೆ ತರಲ್ಪಡತಕ್ಕ ಹಕ್ಕುಸಾಧನೆ ಮನವಿ ;

(d) ಮುಖ್ಯ ಯಜಮಾನನ ಮೇಲೆ 63ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ತರಲ್ಪಡತಕ್ಕ ಹಕ್ಕುಸಾಧನೆ ಮನವಿ ;

(e) ನ್ಯಾಯ ಸಮ್ಮತವಾದ ಹಕ್ಕಿಲ್ಲದೆ ಒಬ್ಬ ಮನುಷ್ಯನು ಪಡೆದಿರುವ ಪ್ರಯೋಜನಾಂಶಗಳ ಮೌಲ್ಯ ಅಥವಾ ಮೊತ್ತವನ್ನು ಅವನಿಂದ ವಸೂಲ್ಮಾಡುವುದಕ್ಕಾಗಿ 70ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ತರಲ್ಪಡತಕ್ಕ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿ ;

(f) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅವಕಾಶವಿರುವ ಯಾವುದಾದರೂ ಅನುಕೂಲ ಸೌಕರ್ಯದ ಮೊಬಲಗನ್ನು ವಸೂಲ್ಮಾಡುವುದಕ್ಕಾಗಿ ತರಲ್ಪಡತಕ್ಕ ಯಾವುದಾದರೂ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿ ;

(3) ಮೇಲೆ ಕಂಡ ಯಾವುದಾದರೂ ಪ್ರಶ್ನೆಯನ್ನಾಗಲಿ ಅಥವಾ ವ್ಯಾಜ್ಯವನ್ನಾಗಲಿ ನಿರ್ಧರಿಸುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಅದರ ವಿಷಯದಲ್ಲಿ ವ್ಯವಹರಣೆಯನ್ನು ನಡೆಯಿಸುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಈ ಆಕ್ಟಿನಿಂದ ಅಥವಾ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮೆಯ ಕೋರ್ಟಿನವರು ನಿರ್ಧರಿಸಬೇಕಾಗಿರುವ ಯಾವುದಾದರೂ ಬದ್ಧತೆಯ ವಿಷಯದಲ್ಲಿ ತೀರ್ಪು ಕೊಡುವುದಕ್ಕಾಗಲಿ ಯಾವ ಸಿವಿಲ್ ಕೋರ್ಟಿನವರಿಗೂ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇರತಕ್ಕದಲ್ಲ.

76. ವ್ಯವಹರಣೆಗಳೇ ಮುಂತಾದುವುಗಳನ್ನು ದಾಖಲ್ಮಾಡುವುದು.—(1) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಮತ್ತು ಸರ್ಕಾರದವರು ರಚಿಸುವ ಯಾವುದಾದರೂ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ, ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನಲ್ಲಿ ನಡೆಯಬೇಕಾದ ಎಲ್ಲ ವ್ಯವಹರಣೆಗಳನ್ನೂ, ವಿಮೆ ಮಾಡಿರುವ ಮನುಷ್ಯನು ವಿವಾದ ಹುಟ್ಟಿದಾಗ ಯಾವ ಪ್ರದೇಶದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದನೋ ಆ ಪ್ರದೇಶಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟಿರತಕ್ಕ ಕೋರ್ಟಿನಲ್ಲಿ ದಾಖಲ್ಮಾಡತಕ್ಕದು.

(2) ಯಾವ ಕೋರ್ಟಿನವರಿಗಾಗಲಿ ತಮ್ಮ ಮುಂದೆ ವಿಚಾರಣೆಯಲ್ಲಿರುವ ಯಾವುದಾದರೂ ವ್ಯವಹರಣೆಯಿಂದ ಹುಟ್ಟಿದ ಯಾವುದಾದರೂ ವಿಷಯದಲ್ಲಿ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಂಸ್ಥಾನದಲ್ಲಿ ಮತ್ತೆಲ್ಲಿಯಾದರೂ ಏರ್ಪಟ್ಟಿರುವ ವಿಮಾ ಕೋರ್ಟಿನವರು ವ್ಯವಹರಿಸುವುದು ಹೆಚ್ಚು ಅನುಕೂಲವೆಂದು ಕಂಡುಬಂದರೆ ಆಗ ಆ ಕೋರ್ಟಿನವರು ಸರ್ಕಾರದವರು ಈ ವಿಷಯದಲ್ಲಿ ಸಾದರು ಮಾಡಬಹುದಾದ ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಪಟ್ಟು ಆ ವಿಷಯವನ್ನು ಆ ಇತರ ಕೋರ್ಟಿನವರಿಗೆ ವರ್ಗಾಯಿಸಬಹುದು ಮತ್ತು ಆ ಕೂಡಲೇ ಆ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲ ಕಾಗದ ಪತ್ರಗಳ ಕಟ್ಟನ್ನೂ ಆ ಇತರ ಕೋರ್ಟಿನವರಿಗೆ ಕಳುಹಿಸತಕ್ಕದು.

(3) ಯಾವ ಕೋರ್ಟಿನವರಿಗೆ (2)ನೆಯ ಒಳ ಪ್ರಕರಣದ ಮೇರೆಗೆ ವಿಷಯವು ವರ್ಗಾಯಿಸಲ್ಪಟ್ಟಿದೆಯೋ ಅವರು, ಈ ವ್ಯವಹರಣೆಯು ತಮ್ಮಲ್ಲಿ ಮೊದಲೇ ದಾಖಲ್ಮಾಡಲ್ಪಟ್ಟಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ, ಮುಂದುವರಿಸತಕ್ಕದು.

77. ವ್ಯವಹರಣೆಗಳ ಪ್ರಾರಂಭ.—(1) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮೆಯ ಕೋರ್ಟಿನವರ ನಡೆವಳಿಕೆಗಳು ಅರ್ಜಿಯು ಬಂದ ತರುವಾಯ ಪ್ರಾರಂಭವಾಗತಕ್ಕದು.

(2) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರೊಡನೆ ಪರ್ಯಾಲೋಚಿಸಿ ಸರ್ಕಾರದವರು ರಚಿಸಬಹುದಾದ ನಿಬಂಧನೆಗಳ ಮೂಲಕ ವಿಧಾಯಕವಾಗಿರಬಹುದಾದ ನಮೂನೆಯಲ್ಲಿ ಆ ಅರ್ಜಿಯು ಇರತಕ್ಕದು ; ಮತ್ತು ಆ ನಿಬಂಧನೆಗಳ ಮೂಲಕ ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡಿರಬಹುದಾದಂಥ ವಿವರಗಳೆಲ್ಲವೂ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕದು ಮತ್ತು ಆ ನಿಬಂಧನೆಗಳ ಮೂಲಕ ಸರ್ಕಾರದವರು ಫೀಜನ್ನೇನಾದರೂ ವಿಧಿಸಿದ್ದರೆ ಆ ಫೀಜಿನ ಸಮೇತ ಆ ಅರ್ಜಿಯು ಕಳುಹಿಸಲ್ಪಟ್ಟಿರತಕ್ಕದು

78. ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರ ಅಧಿಕಾರಗಳು.—(1) ಸಾಕ್ಷಿಗಳಿಗೆ ಸಮನ್ನುಗಳನ್ನು ಜಾರಿ ಮಾಡಿಸಿ ಅವರು ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗುವಂತೆ ಮಾಡುವ, ದಸ್ತಾವೇಜುಗಳನ್ನೂ ಮತ್ತು ವಸ್ತುಗಳನ್ನೂ ಪತ್ತೆ ಮಾಡಿ ಹಾಜರ್ಪಡಿಸುವಂತೆ ಬಲಾತ್ಕರಿಸುವ ಪ್ರಮಾಣ ವಚನವನ್ನು ತೆಗೆದುಕೊಂಡು ಸಾಕ್ಷ್ಯವನ್ನು ರಿಕಾರ್ಡು ಮಾಡುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ನೌಕರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮೆಯ ಕೋರ್ಟಿನವರಿಗೆ, ಒಂದು ಸಿವಿಲ್ ಕೋರ್ಟಿನ ಎಲ್ಲ ಅಧಿಕಾರಗಳೂ ಇರತಕ್ಕದು ; ಮತ್ತು ಅಂಥ ಕೋರ್ಟನ್ನು 1904ನೆಯ ಇಸವಿಯ ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನ (ಎಂದರೆ 1904ನೆಯ ಇಸವಿಯ IIನೆಯ ನಂಬರು ಕೋಡಿನ) 195ನೆಯ ಪ್ರಕರಣದ ಅರ್ಥದ ಮೇರೆಗೂ ಮತ್ತು XXXVನೆಯ ಅಧ್ಯಾಯದ ಮೇರೆಗೂ ಒಂದು ಸಿವಿಲ್ ಕೋರ್ಟೆಂದು ಭಾವಿಸತಕ್ಕದು.

(2) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮೆ ಕೋರ್ಟಿನವರು, ಸರ್ಕಾರದವರಿಂದ ರಚಿಸಲ್ಪಡುವ ನಿಬಂಧನೆಗಳಿಂದ ವಿಧಾಯಕ ಮಾಡಲ್ಪಟ್ಟಿರಬಹುದಾದ ವಿಧಾನವನ್ನು ಅನುಸರಿಸತಕ್ಕದು.

(3) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರ ಮುಂದೆ ನಡೆಯುತ್ತಿರುವ ವ್ಯವಹರಣೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ಅನುಷಂಗಿಕವಾಗಿ ನಡೆಯತಕ್ಕ ಸಮಸ್ತ ಖರ್ಚು ವೆಚ್ಚಗಳನ್ನು ಕೊಡಿಸುವುದೂ ಸಹ, ಸರ್ಕಾರದವರು ಈ ವಿಷಯದಲ್ಲಿ ರಚಿಸಬಹುದಾದ ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಪಟ್ಟು, ಕೋರ್ಟಿನವರ ವಿವೇಚನಾನುಸಾರವಾಗಿ ನಡೆಯತಕ್ಕುದು.

(4) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕೋರ್ಟಿನವರು ಕೊಟ್ಟಿರುವ ಹುಕುಮು ಒಂದು ಸಿವಿಲ್ ಕೋರ್ಟಿನವರು ಒಂದು ದಾವೆಯಲ್ಲಿ ಕೊಟ್ಟ ಡಿಕ್ರಿ ಹುಕುಮಿನಂತೆ ಜಾರಿ ಮಾಡಲ್ಪಡಲು ಅವಕಾಶವಿರತಕ್ಕುದು.

79. ಲಾಯರುಗಳೇ ಮೊದಲಾದವರು ಹಾಜರಾಗುವುದು.—ಯಾವನಾದರೂ ಮನುಷ್ಯನು (ಎಂದರೆ ಕೋರ್ಟಿನಲ್ಲಿ ಸಾಕ್ಷಿಯಾಗಿ ಯಾವ ಮನುಷ್ಯನು ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡಲು ಖುದ್ದಾಗಿ ಹಾಜರಾಗಬೇಕೋ ಅಂಥವನನ್ನು ಬಿಟ್ಟು ಇತರ ಮನುಷ್ಯನು) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರಿಗೆ ಅಥವಾ ಅವರ ಸಮಕ್ಷಮದಲ್ಲಿ ಯಾವುದಾದರೂ ಅರ್ಜಿಯನ್ನಾಗಲಿ ಹಾಕಿಕೊಳ್ಳಬೇಕಾದರೆ ಅಥವಾ ಹಾಜರಾಗಬೇಕಾಗಿದ್ದರೆ ಅಥವಾ ಯಾವುದಾದರೂ ಕಾರ್ಯವನ್ನು ನಡೆಯಿಸಬೇಕಾಗಿದ್ದರೆ ಲಾಯರ ಮೂಲಕ (ಎಂದರೆ ಲೀಗಲ್ ಪ್ರಾಕ್ಟಿಷನರ ಮೂಲಕ) ಅಥವಾ ತನ್ನಿಂದ ಬರವಣಿಗೆಯಲ್ಲಿ ಅಧಿಕಾರ ಪಡೆದಿರುವ ರಿಜಿಸ್ಟರ್ಡ್ ಟ್ರೇಡ್ ಯೂನಿಯನ್ನಿನ ಆಫೀಸರ ಮೂಲಕ ಅಥವಾ ಕೋರ್ಟಿನವರ ಅನುಮತಿಯನ್ನು ಪಡೆದು ಆರೀತಿ ಅಧಿಕಾರ ಪಡೆದಿರುವ ಇತರ ಯಾವನಾದರೂ ಮನುಷ್ಯನ ಮೂಲಕ ಅಂಥ ಅರ್ಜಿಯನ್ನು ಹಾಕಿಕೊಳ್ಳಬಹುದು, ಅಥವಾ ಹಾಜರಾಗಬಹುದು ಅಥವಾ ಆ ಕಾರ್ಯವನ್ನು ನಡೆಯಿಸಬಹುದು.

80. ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳನ್ನು ಸಕಾಲದಲ್ಲಿ ಕೇಳದೆ ಬಿಟ್ಟರೆ, ಅನಂತರ ಅವಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದಿರುವುದು.—ಯಾವುದಾದರೂ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯ ಸಂಬಂಧವಾಗಿ ಪಡೆಯಬಹುದಾದ ಮೊಬಲಗಿನ ವಿಷಯದಲ್ಲಿ ಸಾದರಾಗಿರುವ ನಿರೂಪಣೆಗಳಿಗೆ (ಎಂದರೆ "ರೆಗ್ಯುಲೇಷನುಗಳಿಗೆ) ಅನುಸಾರವಾಗಿ ಮೊಬಲಗು ಯಾವ ತಾರೀಖಿನಲ್ಲಿ ಬರಬೇಕಾಗಿದ್ದಿತೋ ಆ ತಾರೀಖಿನಿಂದ ಹನ್ನೆರಡು ತಿಂಗಳುಗಳೊಳಗಾಗಿ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿಯು ಅರ್ಜಿಯನ್ನು ಹಾಕಿದ್ದ ಹೊರತು, ಯಾವ ಮನುಷ್ಯನಿಗಾಗಲಿ ಯಾವ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯದ ಮೊಬಲಗಾಗಲಿ ಪಾವತಿಯಾಗುವಂತೆ ಸಂಬಂಧಪಟ್ಟ ಕೋರ್ಟಿನವರು ಅಪ್ಪಣೆ ಮಾಡತಕ್ಕುದಲ್ಲ.

ಪರಂತು, ಆ ಮೊಬಲಗು ಯಾವ ತಾರೀಖಿನಲ್ಲಿ ಸಲ್ಲಬೇಕಾಗಿದ್ದಿತೋ ಆ ತಾರೀಖಿನ ಲಾಗಾಯಿತು ಹನ್ನೆರಡು ತಿಂಗಳುಗಳೊಳಗಾಗಿ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿಯ ಅರ್ಜಿಯನ್ನು ಹಾಕಿಕೊಳ್ಳದಿರುವುದಕ್ಕೆ ಯುಕ್ತವಾದ ಕಾರಣಗಳಿದ್ದುವೆಂದು ಕೋರ್ಟಿನವರಿಗೆ ಸಮರ್ಪಕವಾಗಿ ಕಂಡು ಬಂದರೆ, ಆಗ ಕೋರ್ಟಿನವರು, ಸಕಾಲದಲ್ಲಿ ಹಕ್ಕು ಸಾಧನೆ ಮನವಿಯ ಅರ್ಜಿಯು ದಾಖಲಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಮೊಬಲಗು ಪಾವತಿಯಾಗುವಂತೆ ಅಪ್ಪಣೆ ಮಾಡಬಹುದು.

81. ಹೈಕೋರ್ಟಿನವರ ತೀರ್ಮಾನಕ್ಕೊಪ್ಪಿಸುವುದು.—ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಒಂದು ವಿಮಾ ಕೋರ್ಟಿನವರು, ಕಾನೂನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಯಾವ ಪ್ರಶ್ನೆಯನ್ನಾಗಲಿ, ಹೈಕೋರ್ಟಿನವರ ತೀರ್ಮಾನಕ್ಕಾಗಿ ಅವರಿಗೆ ಒಪ್ಪಿಸಬಹುದು : ಮತ್ತು ಆ ರೀತಿ ಪ್ರಶ್ನೆಯನ್ನು ಒಪ್ಪಿಸಿದ್ದರೆ, ತಮ್ಮ ಸಮಕ್ಷಮದಲ್ಲಿ ಇತ್ಯರ್ಥವಾಗದೆ ನಿಂತಿರುವ ಪ್ರಶ್ನೆಯನ್ನು, ಹೈಕೋರ್ಟಿನವರು ಕೊಟ್ಟ ತೀರ್ಮಾನಕ್ಕನುಸಾರವಾಗಿ ತೀರ್ಮಾನಿಸತಕ್ಕುದು.

82. ಅಪೀಲು.—ಈ ಪ್ರಕರಣದಲ್ಲಿ ಕಂಠೋಕ್ತವಾಗಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿರುವುದರ ರೀತಿಯಲ್ಲಿ ಹೊರತು, ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರ ಹುಕುಮಿನ ಮೇಲೆ ಯಾವ ಅಪೀಲಿಗೂ ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ.

(2) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರು ಕೊಟ್ಟಿರುವ ಹುಕುಮಿನಲ್ಲಿ ವಿವಾದಾಸ್ಪದವಾದ ಕಾನೂನಿನ ಅಂಶವಾದರೂ ("ಪಾಯಿಂಟ್ ಆಫ್ ಲಾ" ಸೇರಿದ್ದು ಅದು ಇತ್ಯರ್ಥವಾಗಬೇಕಾಗಿರುವ ಪಕ್ಷದಲ್ಲಿ ಆಗ್ಗೆ ಅದರ ವಿಷಯದಲ್ಲಿ ಹೈಕೋರ್ಟಿಗೆ ಅಪೀಲು ದಾಖಲ್ಮಾಡಲು ಅವಕಾಶವಿರತಕ್ಕುದು.

(3) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಪೀಲು ಮಾಡುವುದಕ್ಕಿರುವ "ಲಿಮಿಟೇಷನ್" ಅವಧಿಯು ಅರವತ್ತು ದಿನಗಳಾಗಿರತಕ್ಕುದು.

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(4) 1911ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟಿನ (ಎಂದರೆ 1911ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ) 5ನೆಯ ಮತ್ತು 12ನೆಯ ಪ್ರಕರಣಗಳ ನಿಯಮಗಳು ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ದಾಖಲಾಗುವ ಅಪೀಲು ಮೊಕದ್ದಮೆಗಳಿಗೆ ಅನ್ವಯಿಸತಕ್ಕುದು.

83. ಅಪೀಲು ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಇತ್ಯರ್ಥವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ ಹಣ ಪಾವತಿಯನ್ನು ತಡೆದು ನಿಲ್ಲಿಸುವುದು.—ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿನವರು ಕೊಟ್ಟಿರುವ ಹುಕುಮಿನ ಮೇಲೆ ಒಂದು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಅಪೀಲು ಅರ್ಜಿಯನ್ನು ಒಪ್ಪಿಸಿದರೆ, ಆಗ ಈ ಕೋರ್ಟಿನವರು, ತಮ್ಮ ಯಾವ ಹುಕುಮಿನ ಮೇಲೆ ಅಪೀಲು ದಾಖಲಾಗಿದೆಯೋ ಆ ಹುಕುಮಿನಲ್ಲಿ ಪಾವತಿ ಮಾಡುವಂತೆ ಅಪ್ಪಣೆ ಮಾಡಿರುವ ಯಾವ ಮೊಬಲಗಾಗಲಿ ಅಪೀಲು ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಹೈಕೋರ್ಟಿನಿಂದ ವಿಷಯವು ಇತ್ಯರ್ಥವಾಗುವವರೆಗೂ ಪಾವತಿಯಾಗದಂತೆ ತಡೆದು ನಿಲ್ಲಿಸಬಹುದು ; ಮತ್ತು ಹೈಕೋರ್ಟಿನವರು ಆ ಮೊಬಲಗಿನ ಪಾವತಿಯನ್ನು ನಿಲ್ಲಿಸಬೇಕೆಂದು ಅಪ್ಪಣೆ ಮಾಡಿದರೆ ಆ ಕೋರ್ಟಿನವರು ಆ ಮೊಬಲಗು ಅಪೀಲು ಮೊಕದ್ದಮೆಯು ಹೈಕೋರ್ಟಿನವರಿಂದ ಇತ್ಯರ್ಥವಾಗುವವರೆಗೂ ಪಾವತಿಯಾಗದಂತೆ ತಡೆದು ನಿಲ್ಲಿಸತಕ್ಕುದು.

VII ನೆಯ ಅಧ್ಯಾಯ

ದಂಡನೆಗಳು

84. ಸುಳ್ಳು ಹೇಳಿಕೆಗೆ ಶಿಕ್ಷೆ.—ಯಾರೇ ಆಗಲಿ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪಾವತಿಯಾಗಬೇಕಾಗಿರುವ ಮೊಬಲಗನ್ನಾಗಲಿ ಅಥವಾ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯವನ್ನಾಗಲಿ ಹೆಚ್ಚುವಂತೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ, ಅಥವಾ ಈ ಆಕ್ಟಿನಿಂದ ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಹಣ ಪಾವತಿ ಮಾಡುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯವನ್ನು ಕೊಡುವುದಕ್ಕಾಗಲಿ ಅಧಿಕಾರವಿಲ್ಲದಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಹಣ ಪಾವತಿಯನ್ನಾಗಲಿ ಅಥವಾ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯವನ್ನಾಗಲಿ ಪಡೆಯುವಂತೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ, ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ತಾನು ಕೊಡಬೇಕಾಗಿರುವ ಹಣವನ್ನು ಕೊಡದಂತೆ ತಪ್ಪಿಸಿಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ ಅಥವಾ ಇತರರು ಯಾರಾದರೂ ಕೊಡಬೇಕಾಗಿರುವುದನ್ನು ಕೂಡ ಅವರು ಕೊಡದಂತೆ ತಪ್ಪಿಸುವ ಉದ್ದೇಶದಿಂದ, ತಿಳಿದೂ ತಿಳಿದೂ, ಸುಳ್ಳು ಹೇಳಿಕೆಯನ್ನಾಗಲಿ ಅಥವಾ ಸುಳ್ಳು ಮನವಿಯನ್ನಾಗಲಿ ಕೊಟ್ಟರೆ ಅಥವಾ ಇತರರು ಕೊಡುವಂತೆ ಮಾಡಿದರೆ, ಅವರು, ಮೂರು ತಿಂಗಳುಗಳವರೆಗೂ ಹೋಗಬಹುದಾದ ಸಜಾ ಶಿಕ್ಷೆಗಾಗಲಿ ಅಥವಾ ಐನೂರು ರೂಪಾಯಿಗಳವರೆಗೂ ಹೋಗಬಹುದಾದ ಜುಲ್ಮಾನೆಯ ಶಿಕ್ಷೆಗಾಗಲಿ ಅಥವಾ ಈ ಎರಡೂ ಶಿಕ್ಷೆಗಳಿಗಾಗಲಿ ಗುರಿಯಾಗತಕ್ಕುದು.

85. ಸಹಾಯ ದ್ರವ್ಯಗಳೇ ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷರ್" ಮೊಬಲಗುಗಳೇ ಮೊದಲಾದುವನ್ನು ಪಾವತಿ ಮಾಡದೆ ತಪ್ಪಿದುದಕ್ಕಾಗಿ ಶಿಕ್ಷೆ.—ಯಾವ ಮನುಷ್ಯನಾಗಲಿ:—

(a) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪಾವತಿಮಾಡಲು ತಾನು ಬದ್ಧನಾಗಿರುವ ಯಾವ ಕಾಂಟ್ರಿಬ್ಯೂಷರ್ ಮೊಬಲಗನ್ನಾಗಲಿ ಪಾವತಿಮಾಡದೆ ತಪ್ಪಿದರೆ, ಅಥವಾ

(b) ಯಜಮಾನನು ಪಾವತಿಮಾಡಬೇಕಾಗಿರುವ ಸಹಾಯ ದ್ರವ್ಯದ (ಎಂದರೆ ಕಾಂಟ್ರಿಬ್ಯೂಷರ್ ಮೊಬಲಗಿನ) ಬಾಬತು, ಪೂರ್ತಿಯಾಗಿಯೇ ಆಗಲಿ ಅಥವಾ ಅದರ ಒಂದು ಭಾಗದಷ್ಟುಮಟ್ಟಿಗೇ ಆಗಲಿ, ಕೆಲಸಗಾರನ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದಿಂದ ವಜಾಮಾಡಿದರೆ ಅಥವಾ ವಜಾಮಾಡಲು ಯತ್ನಿಸಿದರೆ, ಅಥವಾ

(c) ಒಬ್ಬ ಕೆಲಸಗಾರನಿಗೆ ದೊರೆಯಲು ಅವಕಾಶವಿರತಕ್ಕ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವನ್ನಾಗಲಿ ಅಥವಾ ಅನುಕೂಲ್ಯದ ಸೌಕರ್ಯವನ್ನಾಗಲಿ ಅಥವಾ ಪ್ರಯೋಜನಾಂಶಗಳನ್ನಾಗಲಿ 72ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ವಿರುದ್ಧವಾದ ರೀತಿಯಲ್ಲಿ ಕಡಮೆ ಮಾಡಿದರೆ, ಅಥವಾ

(d) 73ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಅಥವಾ ಇತರ ಯಾವುದಾದರೂ 'ರೆಗ್ಯೂಲೇಷರ್' ವಿಧಿಗೆ ವಿರುದ್ಧವಾಗಿ, ಒಬ್ಬ ನೌಕರನನ್ನು ಬರ್ತರ್ಫ್ ಮಾಡಿದರೆ, ಕಡಮೆ ಕೆಲಸಕ್ಕೆ ಹಾಕಿದರೆ, ಅವನ ಸಂಬಳವನ್ನು ತಗ್ಗಿಸಿದರೆ, ಅಥವಾ ಇತರ ರೀತಿಗಳಲ್ಲಿ ಶಿಕ್ಷಿಸಿದರೆ, ಅಥವಾ

(e) ನಿರೂಪಣೆಗಳ ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳ ಮೇರೆಗೆ ಒಪ್ಪಿಸಬೇಕಾಗಿರುವ ಯಾವುದಾದರೂ ಲೆಕ್ಕವರದಿಗಳನ್ನು ಒಪ್ಪಿಸದೆ ತಪ್ಪಿದರೆ, ಅಥವಾ ಒಪ್ಪಿಸಲು ನಿರಾಕರಿಸಿದರೆ ಅಥವಾ ಸುಳ್ಳು ಲೆಕ್ಕಗಳ ವರದಿಗಳನ್ನು ಸಿದ್ಧಪಡಿಸಿದರೆ ಅಥವಾ

(f) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಸೇರಿದ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನ್ನಿನ) ಯಾವನಾದರೂ ಇನ್ಸ್ಪೆಕ್ಟರು ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯು ತನ್ನ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸದಂತೆ ಅಡ್ಡಿಪಡಿಸಿದರೆ, ಅಥವಾ

(g) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಮತ್ತು ರೆಗ್ಯುಲೇಷನುಗಳ ಮೇರೆಗೆ ಅನುಸರಿಸಬೇಕಾದ ಯಾವುವಾದರೂ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಅಥವಾ ಅವುಗಳಂತೆ ನಡೆಯದೆ ತಪ್ಪಿತಸ್ಥನಾಗಿದ್ದ, ಆ ಅಪರಾಧಕ್ಕೆ ವಿಶೇಷರೀತಿಯ ಯಾವ ದಂಡನೆಗಳಿಗೂ ಅವಕಾಶವಿಲ್ಲದಿದ್ದರೆ,

ಅತನು ಮೂರು ತಿಂಗಳುಗಳವರೆಗೂ ಹೋಗಬಹುದಾದ ಸಜಾ ಶಿಕ್ಷೆಗಾಗಲಿ ಅಥವಾ ಐನೂರು ರೂಪಾಯಿಗಳ ವರೆಗೂ ಹೋಗಬಹುದಾದ ಜುಲ್ಮಾನೆಯ ಶಿಕ್ಷೆಗಾಗಲಿ ಅಥವಾ ಅವೆರಡೂ ಬಗೆಯ ಶಿಕ್ಷೆಗಳಿಗಾಗಲಿ ಗುರಿಯಾಗತಕ್ಕುದು.

86. "ಪ್ರಾಸೆಕ್ಯೂಷರ್" ವ್ಯವಹರಣೆಗಳು.—(1) ಸಂಸ್ಥಾನದಲ್ಲಿ ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಇಲಾಖೆಯ ಕಮಿಷನರವರಿಂದ ಅಥವಾ ಪೂರ್ವಭಾವಿಯಾದ ಅವರ ಮಂಜೂರಾತಿಯೊಡನೆ ಹೊರತು, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಯಾವ 'ಪ್ರಾಸೆಕ್ಯೂಷರ್' ವ್ಯವಹರಣೆಯೂ ದಾಖಲುಮಾಡಲ್ಪಡಲು ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ.

(2) ಮೊದಲನೆಯ ತರಗತಿಯ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರ ಕೋರ್ಟಿಗಿಂತ ಕಡಮೆ ದರ್ಜೆಯ ಯಾವ ಕೋರ್ಟಿನವರೂ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಯಾವ ತಕ್ಸೀರನ್ನೂ ವಿಚಾರಣೆ ನಡೆಯಿಸತಕ್ಕುದಲ್ಲ.

(3) ತಕ್ಸೀರು ನಡೆಯಲ್ಪಟ್ಟಿತೆಂಬುದಾಗಿ ಅಪರಾಧ ಹೊರಿಸಲ್ಪಟ್ಟ ತಾರೀಖಿನಿಂದ ಆರು ತಿಂಗಳುಗಳ ಒಳಗಾಗಿ ಆ ಬಗ್ಗೆ ಬರಹ ಮೂಲಕವಾಗಿ ಫಿರ್ಯಾದು ಬಂದ ಹೊರತು, ಯಾವ ಕೋರ್ಟಿನವರೂ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅಂಥ ಯಾವ ತಕ್ಸೀರನ್ನೂ ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕುದಲ್ಲ.

VIII ನೆಯ ಅಧ್ಯಾಯ

ವಿವಿಧ ವಿಷಯಗಳು

87. ಕಾರ್ಖಾನೆ ಅಥವಾ ವ್ಯವಸ್ಥೆ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಕಾರ್ಖಾನೆಗಳು ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳಿಗೆ ಅನ್ವಯಿಸದಂತೆ ವಿನಾಯಿತಿ.—ಸರ್ಕಾರದವರು, ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ ಮತ್ತು ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಡಬಹುದಾದಂಥ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಡಿಸಿ, ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆ ಅಥವಾ ವ್ಯವಸ್ಥೆ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಕಾರ್ಖಾನೆಗಳು ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳಿಗೆ ಒಂದು ವರ್ಷಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿಲ್ಲದ ಅವಧಿಯ ವರೆಗೆ ಈ ಆಕ್ಟು ಅನ್ವಯಿಸತಕ್ಕದಲ್ಲವೆಂದು ವಿನಾಯಿತಿಯನ್ನು ಕೊಡಬಹುದು ಮತ್ತು ಆಗಿಂದಾಗ್ಗೆ, ಅದೇ ರೀತಿಯ ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ಮೂಲಕ ಅಂಥ ಯಾವುದಾದರೂ ವಿನಾಯಿತಿಯನ್ನು, ಒಂದು ಬಾರಿಗೆ ಒಂದು ವರ್ಷಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿಲ್ಲದ ಅವಧಿಗಳವರೆಗೆ ನವೀಕರಿಸಬಹುದು.

88. ಮನುಷ್ಯರುಗಳು ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಗೆ ಸೇರಿದ ಮನುಷ್ಯರುಗಳಿಗೆ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡುವುದು.—ಸರ್ಕಾರದವರು, ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ ಮತ್ತು ಸೂಕ್ತವೆಂಬುದಾಗಿ ವಿಧಾಯಕ ಮಾಡಲ್ಪಡಬಹುದಾದಂಥಾ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಡಿಸಿ, ಈ ಆಕ್ಟು ಅನ್ವಯಿಸತಕ್ಕ ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆ ಅಥವಾ ವ್ಯವಸ್ಥೆ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಕಾರ್ಖಾನೆಗಳು ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳಲ್ಲಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿರುವ ಯಾರಾದರೂ ಮನುಷ್ಯರು ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಮನುಷ್ಯರುಗಳಿಗೆ ಈ ಆಕ್ಟು ಅನ್ವಯಿಸತಕ್ಕದಲ್ಲವೆಂದು ವಿನಾಯಿತಿಯನ್ನು ಕೊಡಬಹುದು.

89. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಮನವಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳುವುದು.—87ನೆಯ ಪ್ರಕರಣ ಅಥವಾ 88ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡಲು ಸರ್ಕಾರದವರು ಉದ್ದೇಶಿಸಿದಾಗ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಆ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ತಾವು ಇಷ್ಟಪಡಬಹುದಾದಂಥ ಯಾವುದಾದರೂ ಮನವಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವರಿಗೆ ಸೂಕ್ತವಾದ ಅವಕಾಶವನ್ನು ಕೊಟ್ಟಿದ್ದ ಹೊರತು ಮತ್ತು ಅಂಥ ಮನವಿಯು ಸರ್ಕಾರದವರಿಂದ ಪರ್ಯಾಲೋಚಿಸಲ್ಪಟ್ಟಿದ್ದ ಹೊರತು, ಯಾವ ವಿನಾಯಿತಿಯನ್ನೂ ಕೊಡತಕ್ಕದಲ್ಲ ಅಥವಾ ನವೀಕರಿಸತಕ್ಕದಲ್ಲ.

90. ಸರ್ಕಾರದವರಿಗೆ ಅಥವಾ ಯಾವುದಾದರೂ ಸ್ಥಳೀಯ ಅಧಿಕಾರ ಸಂಸ್ಥೆಯವರಿಗೆ ಸೇರಿದ ಕಾರ್ಖಾನೆಗಳಿಗೆ ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳಿಗೆ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡುವುದು.—ಸರ್ಕಾರದವರು, ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ ಮತ್ತು ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಡಬಹುದಾದಂಥಾ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಡಿಸಿ, ಸರ್ಕಾರದವರಿಗಾಗಲಿ ಅಥವಾ ಯಾವುದಾದರೂ ಸ್ಥಳೀಯ ಅಧಿಕಾರ ಸಂಸ್ಥೆಯವರಿಗಾಗಲಿ ಸೇರಿದ ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆಯ ಅಥವಾ ವ್ಯವಸ್ಥೆಯ ಕೆಲಸಗಾರರು, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕಲ್ಪಿತವಾಗಿರುವ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳನ್ನೇ ಬಹುಮಟ್ಟಿಗೆ ಹೋಲುವ ಅಥವಾ ಅವಕ್ಕಿಂತಲೂ ಉತ್ತಮವಾಗಿರುವ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳನ್ನು ಪಡೆಯುತ್ತಿದ್ದರೆ ಅಂಥ ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆಗಳಿಗೂ ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳಿಗೂ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡಬಹುದು.

91. ಆಕ್ಟಿನ ಒಂದು ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚು ನಿಯಮಗಳಿಂದ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡುವುದು.—ಸರ್ಕಾರದವರು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರ) ಸಮ್ಮತಿಯನ್ನು ಪಡೆದು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ, ಯಾವುದಾದರೂ ಕಾರ್ಖಾನೆಯ ಅಥವಾ ವ್ಯವಸ್ಥೆಯ ಅಥವಾ ಯಾವುದಾದರೂ ತರಗತಿಯ ಕಾರ್ಖಾನೆಗಳ ಅಥವಾ ವ್ಯವಸ್ಥೆಗಳ ಕೆಲಸಗಾರರಿಗೆ, ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕಲ್ಪಿಸಲಾಗಿರುವ ಅನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳ ಸಂಬಂಧದಲ್ಲಿ ಒಂದು ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾದ ನಿಯಮಗಳು ಅನ್ವಯಿಸದಂತೆ ವಿನಾಯಿತಿಯನ್ನು ಕೊಡಬಹುದು.

92. ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ ಆಫೀಸರುಗಳು ಮತ್ತು ನೌಕರರುಗಳು, ಸರ್ಕಾರಿ ನೌಕರರುಗಳಾಗಿದ್ದಂತೆ ಭಾವಿಸತಕ್ಕದು.—ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಎಲ್ಲ ಆಫೀಸರುಗಳೂ ಮತ್ತು ನೌಕರರುಗಳೂ ಇಂಡಿಯನ್ ಪೀನಲ್‌ಕೋಡಿನ (1860ನೆಯ ಇಸವಿಯ XLVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ) 21ನೆಯ ಪ್ರಕರಣದ ಅರ್ಥದಂತೆ ಸರ್ಕಾರಿ ನೌಕರರುಗಳಾಗಿದ್ದಂತೆ ಭಾವಿಸತಕ್ಕದು.

93 ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿಗೆ) ಸಲ್ಲಬೇಕಾದ ಸಹಾಯ ದ್ರವ್ಯಗಳು ("ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗುಗಳು) ಮುಂತಾದ ಮೊತ್ತಗಳು ಇತರ ದೇಣಿಗಳಿಗಿಂತಲೂ ಮೊದಲು ಕೊಡಲ್ಪಡಬೇಕೆಂಬ ಪ್ರಾಶಸ್ತ್ಯ.—ದಿವಾಳಿಗಾರನ ಆಸ್ತಿಯನ್ನು ಹಂಚುವಾಗ ಅಥವಾ ಮೌಕೂಫ್ ಮಾಡಲ್ಪಡುತ್ತಿರುವ ಒಂದು ಕಂಪನಿಯ ಸ್ವತ್ತುಗಳನ್ನು ಹಂಚುವಾಗ, ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ದಿವಾಳಿಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ 1925ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ (ಎಂದರೆ 1925ನೆಯ ಇಸವಿಯ XIನೆಯ ನಂಬರು ಆಕ್ಟಿನ) 61ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗಾಗಲಿ ಅಥವಾ ಇಂಡಿಯಾದೇಶದ ಕಂಪೆನಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ 1938ನೆಯ ಆಕ್ಟಿನ (ಎಂದರೆ 1938ನೆಯ ಇಸವಿಯ XVIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ) 230ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗಾಗಲಿ ಇತರ ದೇಣಿಗಳಿಗಿಂತ ಮುಂಚಿತವಾಗಿ ತೀರಿಸಲ್ಪಡಬೇಕಾದ ದೇಣಿಗಳಲ್ಲಿ ಆಯಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ದಿವಾಳಿಗಾರನ ದಿವಾಳಿಯ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತೀರ್ಪು ಕೊಟ್ಟ ತಾರೀಖಿಗೆ ಅಥವಾ ಆ ಕಂಪನಿಯನ್ನು ಮೌಕೂಫ್ ಮಾಡುವ ತಾರೀಖಿಗೆ ಮುಂಚಿತವಾಗಿ ಕೊಡಬೇಕಾದುದಾಗಿದ್ದ

ಮತ್ತು ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಸಲ್ಲಬೇಕಾಗಿದ್ದ ಸಹಾಯ ದ್ರವ್ಯದ ("ಕಾಂಟ್ರಿಬ್ಯೂಷನ್") ಮೊಬಲಗು ಅಥವಾ ಬೇರೇ ಯಾವುದಾದರೂ ಮೊಬಲಗು ಸೇರಿರುವುದಾಗಿ ಭಾವಿಸಲ್ಪಡತಕ್ಕದು.

94. ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸಲು ಸರ್ಕಾರದವರಿಗಿರುವ ಅಧಿಕಾರ.—ಸರ್ಕಾರದವರು ಈ ಆಕ್ಟಿಗನುಗುಣವಾಗಿ ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸಿ ಆಚರಣೆಗೆ ತರಬೇಕಾದರೆ ಅವುಗಳನ್ನು ಪೂರ್ವಭಾವಿಯಾಗಿ ಪ್ರಕಟಿಸಬೇಕಾದ ಷರತ್ತಿಗೊಳಪಟ್ಟು ಈ ಕೆಳಗೆ ಕಂಡ ಎಲ್ಲಾ ವಿಷಯಗಳ ಸಂಬಂಧದಲ್ಲಿಯಾಗಲಿ ಅಥವಾ ಯಾವುದಾದರೂ ವಿಷಯದ ಸಂಬಂಧದಲ್ಲಿಯಾಗಲಿ ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸಿ ಆಚರಣೆಗೆ ತರಬಹುದು ; ಆ ವಿಷಯಗಳು ಯಾವುವೆಂದರೆ:—

(a) ಸಾಂಘಿಕಸಂಸ್ಥೆ (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನ್), ಖಾಯಂ ಸಮಿತಿ (ಎಂದರೆ ಸ್ಥಾಯಿೀ ಸಮಿತಿ) ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ (ಎಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್)—ಇವುಗಳ ಸದಸ್ಯರುಗಳ ನೇಮಕಗಳೂ ಮತ್ತು ಚುನಾವಣೆಗಳೂ ಯಾವ ವಿಧಾನವನ್ನನುಸರಿಸಿ ನಡೆಯಬೇಕೆಂಬ ವಿಷಯದಲ್ಲಿ ;

(b) ಸಾಂಘಿಕಸಂಸ್ಥೆ (ಎಂದರೆ "ಕಾರ್ಪೊರೇಷನ್") ಖಾಯಂ ಸಮಿತಿ (ಎಂದರೆ ಸ್ಥಾಯಿೀ ಸಮಿತಿ) ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ (ಎಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್)—ಇವುಗಳ ಅಧಿವೇಶನಗಳ (ಮೀಟಿಂಗುಗಳು) ನಡೆಯಬೇಕಾದರೆ ಆ ಅಧಿವೇಶನಗಳಲ್ಲಿ ಹಾಜರಿರಬೇಕಾದ ಸದಸ್ಯರುಗಳ ಕನಿಷ್ಠ ಪರಿಮಿತಿಯ ಸಂಖ್ಯೆಯು (ಕೋರಂ) ಎಷ್ಟಾಗಿರಬೇಕೆಂಬ ವಿಷಯದಲ್ಲಿ ಮತ್ತು ಒಂದು ವರ್ಷದಲ್ಲಿ ನಡೆಯಬೇಕಾದ ಆ ಸಂಸ್ಥೆಗಳ ಅಧಿವೇಶನಗಳ (ಮೀಟಿಂಗುಗಳ) ಕನಿಷ್ಠ ಪರಿಮಿತಿಯ ಸಂಖ್ಯೆಯನ್ನೂ ಗೊತ್ತುಮಾಡುವ ವಿಷಯದಲ್ಲಿ ;

(c) ಸಾಂಘಿಕಸಂಸ್ಥೆ (ಎಂದರೆ "ಕಾರ್ಪೊರೇಷನ್") ಖಾಯಂ ಸಮಿತಿ (ಎಂದರೆ ಸ್ಥಾಯಿೀ ಸಮಿತಿ), ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆ (ಎಂದರೆ ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್)—ಇವುಗಳಲ್ಲಿ ನಡೆದ ಕಾರ್ಯಕಲಾಪಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾಗದಪತ್ರಗಳನ್ನು (ಎಂದರೆ ರಿಕಾರ್ಡುಗಳನ್ನು) ಇಡುವ ವಿಷಯದಲ್ಲಿ ;

(d) ಮುಖ್ಯ ಆಫೀಸರುಗಳ ಅಧಿಕಾರಗಳ ಮತ್ತು ಕರ್ತವ್ಯಗಳ ಮತ್ತು ಅವರುಗಳ ನೌಕರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಷರತ್ತುಗಳ ವಿಷಯದಲ್ಲಿ ;

(e) ವೈದ್ಯ ಸಹಾಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ "ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್" ಆಫೀಸರುಗಳ ಅಧಿಕಾರಗಳ ಮತ್ತು ಕರ್ತವ್ಯಗಳ ವಿಷಯದಲ್ಲಿ ;

(f) ಕಂಟ್ರಾಕ್ಟುಗಳನ್ನು ನಡೆಯಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾದ ನಡವಳಿಕೆ ಕ್ರಮದ ವಿಷಯದಲ್ಲಿ ;

(g) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು (ಎಂದರೆ "ಕಾರ್ಪೊರೇಷನ್") ಸ್ವತ್ತುಗಳ ಪಡೆಯುವ ಹಿಡುವಳಿಯಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವ ಮತ್ತು ವಿಲೆ ಮಾಡುವ ವಿಷಯದಲ್ಲಿ ;

(h) ಸಾಲಗಳನ್ನು ಎತ್ತುವ ಮತ್ತು ತೀರಿಸುವ ವಿಷಯದಲ್ಲಿ ;

(i) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಹಣಗಳನ್ನೂ ಮತ್ತು ಯಾವುದಾದರೂ ಪ್ರಾವಿಡೆಂಟ್ ನಿಧಿಯ ಅಥವಾ ಇತರ ಸೌಕರ್ಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ನಿಧಿಗಳ ಹಣವನ್ನೂ ಲಾಭದಾಯಕವಾಗಿ ವಿನಿಯೋಗಿಸುವ ವಿಷಯದಲ್ಲಿ ಆ ಹಣಗಳನ್ನು ವರ್ಗಾವಣೆ ಮಾಡುವ ಅಥವಾ ಹಿಂದಕ್ಕೆ ಪಡೆಯುವ ವಿಷಯಗಳಲ್ಲಿ ;

(j) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಆಸ್ತಿಗಳ ಮತ್ತು ದೇಣಿಗಳ ಮೌಲ್ಯವನ್ನು ಆಗಿಂದಾಗ್ಗೆ ನಿಯತಕಾಲಗಳಲ್ಲಿ ಯಾವ ಆಧಾರದ ಮೇಲೆ ಮಾಡಬೇಕೆಂಬ ವಿಷಯದಲ್ಲಿ ;

(k) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಹಣಗಳನ್ನು ಯಾವ ಬ್ಯಾಂಕು ಅಥವಾ ಬ್ಯಾಂಕುಗಳಲ್ಲಿ ಇಡಬಹುದು, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಬರಬೇಕಾಗಿರುವ ಅಥವಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ ಪಾವತಿಯಾಗಬೇಕಾಗಿರುವ ಮೊಬಲಗುಗಳ ಠೇವಣಾತಿಯ ಸಂಬಂಧದಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾಗಿರುವ ಕ್ರಮ; ಮತ್ತು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಹಣಗಳಿಂದ ಯಾವುದಾದರೂ ಮೊಬಲಗನ್ನು ಯಾವ ರೀತಿಯಲ್ಲಿ ಕೊಡಬೇಕು ಮತ್ತು ಆ ರೀತಿ ಹಣವನ್ನು ಕೊಡುವುದಕ್ಕೆ ಯಾವ ಆಫೀಸರುಗಳಿಗೆ ಅಧಿಕಾರ ವಹಿಸಲ್ಪಡಬೇಕು—ಎಂಬ ವಿಷಯಗಳಲ್ಲಿ ;

(l) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಯಾವ ಯಾವ ಲೆಕ್ಕಗಳನ್ನಿಡಬೇಕು ಮತ್ತು ಯಾವ ಯಾವ ಲೆಕ್ಕಗಳು ಯಾವ ನಮೂನೆಯಲ್ಲಿಡಲ್ಪಡಬೇಕು ಮತ್ತು ಯಾವ ಕಾಲಗಳಲ್ಲಿ ಆ ಲೆಕ್ಕಗಳ ತನಿಖೆ (ಆಡಿಟ್) ನಡೆಯಬೇಕು—ಎಂಬ ವಿಷಯಗಳಲ್ಲಿ ;

(m) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಲೆಕ್ಕಗಳನ್ನೂ ಮತ್ತು ಆಡಿಟರುಗಳ ವರದಿಗಳನ್ನೂ ಪ್ರಕಟಿಸುವುದು, ಆಡಿಟರುಗಳ ವರದಿಯ ಮೇಲೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕಾದ ಕಾರ್ಯಕ್ರಮ ; ಖರ್ಚುಗಳ ಬಾಬುಗಳನ್ನು ಅಂಗೀಕರಿಸದಿರುವುದಕ್ಕೂ ಮತ್ತು "ಸರ್‌ಚಾರ್ಜು" ಹೊರಿಸುವುದಕ್ಕೂ ಆಡಿಟರುಗಳಿಗಿರುವ ಅಧಿಕಾರಗಳು ಮತ್ತು ಆಡಿಟರುಗಳು ಅಂಗೀಕರಿಸದಿರುವ ಮತ್ತು "ಸರ್‌ಚಾರ್ಜ್" ಹೊರಿಸಿರುವ ಹೆಚ್ಚಿಗೆ ಮೊಬಲಗುಗಳ ವಸೂಲಿ ಈ ವಿಷಯಗಳಲ್ಲಿ ;

(n) ಬಡ್ಜೆಟ್ ಅಂದಾಜುಗಳನ್ನು ಮತ್ತು ಸಪ್ಲಿಮೆಂಟರಿ ಅಂದಾಜುಗಳನ್ನು ಹೇಗೆ ತಯಾರಿಸಬೇಕು ಮತ್ತು ಯಾವ ರೀತಿ ಆ ಅಂದಾಜುಗಳನ್ನು ಮಂಜೂರು ಮಾಡಬೇಕು ಮತ್ತು ಪ್ರಕಟಿಸಬೇಕು—ಎಂಬ ವಿಷಯಗಳಲ್ಲಿ;

(o) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಆಫೀಸರುಗಳಿಗೆ ಮತ್ತು ನೌಕರರುಗಳಿಗೆ ಪ್ರಾವಿಡೆಂಟ್ ಅಥವಾ ಇತರ ಸೌಕರ್ಯಗಳಿಗೆ ಸಂಬಂಧ ಪಟ್ಟ ನಿಧಿಗಳನ್ನು ಏರ್ಪಡಿಸುವ ಅವುಗಳನ್ನು ನಡೆಯಿಸಿಕೊಂಡು ಬರುವ ವಿಷಯಗಳಲ್ಲಿ ; ಮತ್ತು

(p) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಧಾಯಕವಾಗಿರುವ ರೀತ್ಯಾ, ಅಥವಾ ಅವಕಾಶ ಕೊಡ ಲ್ಪಟ್ಟಿರುವ ರೀತ್ಯಾ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯನ್ನು ಸಂಘರೂಪದಲ್ಲಿ ವ್ಯವಸ್ಥೆಗೊಳಿ ಸುವುದಕ್ಕೆ, ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕೆ ಮತ್ತು ಮುಕ್ತಾಯಗೊಳಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಯಾವುದಾದರೂ ವಿಷಯವನ್ನು ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡತಕ್ಕ ವಿಷಯದಲ್ಲಿ ;

(q) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾಕೋರ್ಟುಗಳ ರಚನೆ, ಯಾವ ಅರ್ಹತೆ ಯುಳ್ಳವರನ್ನು ಆ ಕೋರ್ಟಿನ ಜಡ್ಜಿಗಳನ್ನಾಗಿ ನೇಮಕಮಾಡಬಹುದು ಮತ್ತು ಆ ಜಡ್ಜಿಗಳ ನೌಕರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಷರತ್ತುಗಳು—ಈ ವಿಷಯಗಳಲ್ಲಿ ;

(r) ಆ ಕೋರ್ಟುಗಳ ನಡೆವಳಿಕೆಗಳಲ್ಲಿ ಅನುಸರಿಸಬಹುದಾದ ನಡೆವಳಿಕೆ ಕ್ರಮ ಮತ್ತು ಆ ಕೋರ್ಟಿನ ಹುಕುಮುಗಳನ್ನು ಜಾರಿಗೆ ತರುವುದು—ಇವುಗಳ ವಿಷಯದಲ್ಲಿ ;

(s) ಕೆಲಸಗಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಮಾ ಕೋರ್ಟಿಗೆ ಸಲ್ಲಿಸುವ ಅರ್ಜಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಕೊಡಲ್ಪಡಬೇಕಾದ ಫೀಜು, ಆ ವಿಮಾ ಕೋರ್ಟುಗಳ ನಡೆ ವಳಿಕೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಇತರ ಖರ್ಚುಗಳು, ಯಾವ ನಮೂನೆಯಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂಬುದು ಆ ಅರ್ಜಿಗಳಲ್ಲಿ ನಮೂದಾಗಿರಬೇಕಾದ ಸಂಗತಿಗಳು ಯಾವುವೆಂಬುದು—ಈ ವಿಷಯಗಳಲ್ಲಿ ;

(t) ಆಸ್ಪತ್ರೆಗಳನ್ನೂ, ಡಿಸ್ಪೆನ್ಸರಿಗಳನ್ನೂ ಮತ್ತು ಇತರ ಸಂಸ್ಥೆಗಳನ್ನೂ ಏರ್ಪಡಿಸು ವುದು, ವಿಮೆ ಮಾಡಿರತಕ್ಕ ಯಾವ ವಿಮೆದಾರರು ಅಥವಾ ಅವರ ಕುಟುಂಬ ದವರು ಯಾವ ಆಸ್ಪತ್ರೆ, ಡಿಸ್ಪೆನ್ಸರಿ ಮತ್ತು ಇತರ ಸಂಸ್ಥೆಗಳಿಗೆ ಹೋಗ ಬೇಕೆಂಬುದು—ಈ ವಿಷಯಗಳಲ್ಲಿ ;

(u) ಅಂಥ ಯಾವುದಾದರೂ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ, "ಕ್ಲಿನಿಕ್" ಚಿಕಿತ್ಸಾಲಯದಲ್ಲಿ ಡಿಸ್ಪೆನ್ಸರಿ ಅಥವಾ ಸಂಸ್ಥೆಯಲ್ಲಿ ಒದಗಿಸಬಹುದಾದ ವೈದ್ಯಸಹಾಯದ ಪ್ರಮಾಣ ಮತ್ತು ಮೆಡಿಕಲ್ ರಿಕಾರ್ಡುಗಳನ್ನು ಇಡತಕ್ಕ ರೀತಿ ಮತ್ತು ಅಂಕಿ ಅಂಶಗಳ ಲೆಕ್ಕಗಳನ್ನು ಕಳುಹಿಸುವ ರೀತಿ—ಈ ವಿಷಯಗಳಲ್ಲಿ ;

(v) ಅಂಥ ಆಸ್ಪತ್ರೆ, ಡಿಸ್ಪೆನ್ಸರಿ, ಅಥವಾ ಸಂಸ್ಥೆಗಳಿಗೆ ಒದಗಿಸಿರತಕ್ಕ ಸಿಬ್ಬಂದಿಯು, ಸಲಕರಣೆಗಳ ಮತ್ತು ಔಷಧ ಸಾಮಗ್ರಿಗಳ ಸ್ವಭಾವ ಮತ್ತು ಪರಿಮಾಣ— ಇವುಗಳ ವಿಷಯದಲ್ಲಿ ;

(w) ಅಂಥ ಆಸ್ಪತ್ರೆ, ಡಿಸ್ಪೆನ್ಸರಿ ಮತ್ತು ಸಂಸ್ಥೆಗಳಲ್ಲಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟರತಕ್ಕ ಸಿಬ್ಬಂದಿಯವರು ಯಾವ ಷರತ್ತುಗಳ ಮೇಲೆ ಕೆಲಸಮಾಡಬೇಕೆಂಬ ವಿಷಯ ದಲ್ಲಿ ; ಮತ್ತು

(x) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಸರ್ಕಾರದವರಿಂದ ಗೊತ್ತುಮಾಡಲ್ಪಡಬೇಕೆಂದು ವಿಧಾ ಯಕವಾಗಿರತಕ್ಕ ಅಥವಾ ಅವಕಾಶ ಕೊಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಇತರ ಯಾವು ದಾದರೂ ವಿಷಯದಲ್ಲಿ.

(2) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಾಡಲಾದ ನಿಬಂಧನೆಗಳನ್ನು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕುದು. ಆಮೇಲೆ ಅವು ಈ ಆಕ್ಟಿನಲ್ಲೇ ಸೇರಿ ವಿಧಾಯಕವಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಬಲೀಯವುಳ್ಳವಾಗಿರತಕ್ಕುದು.

95. ನಿರೂಪಣೆಗಳನ್ನೂ ("ರೆಗ್ಯುಲೇಷನು"ಗಳನ್ನು) ರಚಿಸಲು ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಅಧಿಕಾರ:— ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ನಡೆಯಿಸುವ ವಿಚಾರದಲ್ಲಿಯೂ ಮತ್ತು ಈ ಆಕ್ಟಿನ ನಿಯಮಗ ಳನ್ನು ಜಾರಿಗೆ ತರುವ ಉದ್ದೇಶಕ್ಕಾಗಿಯೂ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು ನಡೆವಳಿಕೆಗಾಗಿ ನಿರೂಪ ಣೆಗಳನ್ನು (ಎಂದರೆ "ರೆಗ್ಯುಲೇಷನು"ಗಳನ್ನು) ರಚಿಸಿ ಆಚರಣೆಗೆ ಕೊಡಲಿಚ್ಛಿಸಿದರೆ, ಅವರು ಅವುಗಳನ್ನು ಮೊದಲೇ ಪ್ರಕಟಪಡಿಸಬೇಕೆಂಬ ನಿಯಮಕ್ಕೊಳಪಟ್ಟು, ಈ ಆಕ್ಟಿಗಾಗಲಿ ಮತ್ತು ಈ ಆಕ್ಟನ್ನನುಸರಿಸಿ ಸಾದರಾದ ನಿಬಂಧನೆಗಳಿಗಾಗಲಿ ವಿರುದ್ಧವಾಗಿಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಅವು ಗಳನ್ನು ರಚಿಸಿ ಆಚರಣೆಗೆ ಕೊಡಬಹುದು.

(2) ಮುಖ್ಯವಾಗಿ ಮತ್ತು ಮೇಲೆ ಹೇಳಿದ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯತ್ವಕ್ಕೆ ಬಾಧಕ ವುಂಟಾಗದ ರೀತಿಯಲ್ಲಿ ಅಂಥ ರೆಗ್ಯುಲೇಷನುಗಳು ಈ ಕೆಳಗೆ ಕಂಡ ಎಲ್ಲ ವಿಷಯಗಳನ್ನೂ ಆಗಲಿ ಅಥವಾ ಯಾವುವಾದರೂ ವಿಷಯಗಳನ್ನಾಗಲಿ ಒಳಗೊಂಡಿರತಕ್ಕುದು ; ಅವು ಯಾವುವೆಂದರೆ:—

(i) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯು ಎಂದರೆ "ಕಾರ್ಪೊರೇಷನ್" ಖಾಯಂ ಸಮಿತಿಯು (ಎಂದರೆ ಸ್ಥಾಯೀ ಸಮಿತಿಯು) ಮತ್ತು ವೈದ್ಯ ಸಹಾಯದ ಸಭೆಯು (ಎಂದರೆ "ಮೆಡಿಕಲ್ ಬೆನಿಫಿಟ್ ಕೌನ್ಸಿಲ್")—ಇವುಗಳು ಯಾವಕಾಲದಲ್ಲಿ ಮತ್ತು ಯಾವ ಸ್ಥಳದಲ್ಲಿ ಸಭೆ ಸೇರಬೇಕೆಂಬ ವಿಷಯ ಮತ್ತು ಅಂಥ ಸಭೆ ಗಳಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾದ ನಡೆವಳಿಕೆಗಳು ಯಾವುವೆಂಬ ವಿಷಯ ;

(ii) ಖಾಯಂ ಸಮಿತಿಯವರು (ಎಂದರೆ ಸ್ಥಾಯಿಸಮಿತಿಯವರು) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ ತೀರ್ಮಾನಕ್ಕಾಗಿ ಕಳುಹಿಸಬೇಕಾಗಿರತಕ್ಕ ಸಂಗತಿಗಳು ಯಾವುವೆಂಬ ವಿಷಯ ;

(iii) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೊಡಲ್ಪಡಬೇಕಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು ಯಾವ ರೀತಿಯಲ್ಲಿ ನಿಷ್ಕರ್ಷಿಸಿ ಹೇಗೆ ವಸೂಲ್ಮಾಡಬೇಕೆಂಬ ವಿಷಯ ;

(iv) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೊಡಲ್ಪಡಬೇಕಾಗಿರತಕ್ಕ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಹಣವನ್ನು ನಿರ್ಧರಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕೂಲಿ ಅಥವಾ ಸಂಬಳವನ್ನು ಹೇಗೆ ಲೆಕ್ಕಹಾಕಬೇಕೆಂಬ ವಿಷಯ ;

(v) ಕೆಲಸಗಾರರು ಯಾವುದಾದರೂ ನಗದು ಸಹಾಯದ್ರವ್ಯವನ್ನು ಪಡೆಯಬೇಕಾದರೆ ಅವರು ಕಾಯಿಲೆಯಾಗಿರುವ ಮತ್ತು ಅವರು ಸಹಾಯದ್ರವ್ಯವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿದ್ದಾರೆಂದು ಸರ್ಟಿಫಿಕೇಟು ಕೊಡಲ್ಪಡುವ ವಿಷಯ ;

(iv) ನಿಯತಕಾಲಗಳಲ್ಲಿ ಪಾವತಿಮಾಡಲ್ಪಡತಕ್ಕ ಮೊಬಲಗುಗಳಿಗೆ ಆಕ್ಚ್ಯುಯರಿ ಲೆಕ್ಕ ಪರಿಶೋದಕರ ಅಭಿಪ್ರಾಯದ ಮೇರೆಗೆ ತತ್ಕಾಲದ ಮೌಲ್ಯವನ್ನು ನಿರ್ಧರಿಸತಕ್ಕ ವಿಷಯ ;

(vii) ನಗದು ಹಣರೂಪವಾದ ಸಹಾಯವಲ್ಲದೆ ಇರತಕ್ಕ ಯಾವುದಾದರೂ ಅನುಕೂಲ್ಯ ಸಹಾಯಕ್ಕೆ ಮೌಲ್ಯವನ್ನು ನಿರ್ಧರಿಸುವ ವಿಷಯ ;

(viii) ಸಹಾಯಕ್ಕಾಗಿ ಹಕ್ಕು ಸಾಧನೆಯ ಮನವಿಯನ್ನು ಬರೆದುಕೊಳ್ಳಬೇಕಾದರೆ ಯಾವ ಕಾಲದೊಳಗಾಗಿ ಮತ್ತು ಯಾವ ನಮೂನೆಯಲ್ಲಿ ಬರೆದುಕೊಳ್ಳಬೇಕೆಂಬ ವಿಷಯ; ಮತ್ತು ಹಕ್ಕು ಸಾಧನೆಯ ಮನವಿಯಲ್ಲಿ ಯಾವ ಯಾವ ವಿವರಗಳನ್ನು ಒದಗಿಸಬೇಕೆಂಬ ವಿಷಯ ;

(ix) ಕೆಲಸಮಾಡುವುದಕ್ಕೆ ಅಶಕ್ತನೆಂಬ ಕಾರಣದಮೇಲೆ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ಪಡೆಯುತ್ತಿರುವ ಕೆಲಸಗಾರನನ್ನು ಯಾವ ಯಾವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಬರ್ತರ್ಫ್ ಮಾಡಬಹುದು, ಕೆಲಸದಿಂದ ಬಿಡುಗಡೆಮಾಡಬಹುದು, ಕೆಳದರ್ಜೆಯ ಕೆಲಸಕ್ಕೆ ಹಾಕಬಹುದು, ಅಥವಾ ಇತರ ರೀತಿಯಲ್ಲಿ ಶಿಕ್ಷಿಸಬಹುದು—ಎಂಬ ವಿಷಯ ;

(x) ಸಹಾಯದ್ರವ್ಯವನ್ನು ಯಾವರೀತಿಯಲ್ಲಿ, ಯಾವ ಸ್ಥಳದಲ್ಲಿ ಮತ್ತು ಯಾವ ಕಾಲದಲ್ಲಿ ಪಾವತಿಮಾಡಬೇಕೆಂಬ ವಿಷಯ ;

(xi) ಒಬ್ಬ ಕೆಲಸಗಾರನಿಗೆ ಕೊಡಬೇಕಾಗಿರತಕ್ಕ ನಗದುರೂಪದ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ಲೆಕ್ಕ ಹಾಕತಕ್ಕ ರೀತಿ, ಕೆಲಸಗಾರನು ಕೆಲಸಕ್ಕೆ ಅನರ್ಹನಾಗಿ ಪರಿಣಮಿಸಿರುವ ದೌರ್ಬಲ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸಹಾಯದ್ರವ್ಯವನ್ನಾಗಲಿ ಅಥವಾ ಆಶ್ರಿತರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸಹಾಯದ್ರವ್ಯವನ್ನಾಗಲಿ ಯಾವ ಯಾವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮತ್ತು ಎಷ್ಟರಮಟ್ಟಿಗೆ "ಕಮ್ಯೂಟ್" ಮಾಡಿಕೊಳ್ಳಲು (ಎಂದರೆ ಅದರ ಯಾವ ಭಾಗವನ್ನು ಒಟ್ಟು ಗಂಟಿನ ರೂಪದಲ್ಲಿ ಮೊದಲೇ ಪಡೆಯಲು ಅವಕಾಶವಿದೆಯೆಂಬ ಮತ್ತು ಆರೀತಿ ಬದಲಾವಣೆ ಮಾಡುವಾಗ ಅದರ ಒಟ್ಟು ನಗದು ಮೌಲ್ಯವನ್ನು ಹೇಗೆ ಲೆಕ್ಕಹಾಕಬೇಕೆಂಬ ವಿಷಯ ;

(xii) ಗರ್ಭಿಣಿಯಾಗಿರುವುದಕ್ಕಾಗಿ ಅಥವಾ ಹೆರಿಗೆಯಾದುದಕ್ಕಾಗಿ ಕೊಡತಕ್ಕ ನೋಟೀಸು ; ಕಾಯಿಲೆಯಾಗಿರುವುದನ್ನು ತಿಳಿಸತಕ್ಕ ನೋಟೀಸು ಮತ್ತು ಕಾಯಿಲೆಯ ಸಂಗತಿಯ ರುಜುವಾತು—ಇವುಗಳ ವಿಷಯ ;

(xiii) ಸಹಾಯದ್ರವ್ಯದ ಪಾವತಿಯನ್ನು ನಿಲ್ಲಿಸಿ ಯಾವ ಯಾವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮುಂದಕ್ಕೆ ತಳ್ಳಿಹಾಕಬಹುದೆಂಬ ವಿಷಯ ;

(xiv) ಒಬ್ಬ ಮನುಷ್ಯನು ಸಹಾಯದ್ರವ್ಯವನ್ನು ಪಡೆಯುತ್ತಿರುವಾಗ ಅನುಸರಿಸಬೇಕಾದ ಷರತ್ತುಗಳ ಮತ್ತು ಆಗಾಗ್ಗೆ ಅವನ ದೇಹಪರೀಕ್ಷೆ ನಡೆಯಬೇಕೆಂಬ ವಿಷಯ ;

(xv) ಕಾಯಿಲೆಯಾಗಿರುವವರನ್ನು ಪರಾಂಬರಿಸುವುದು.

(xvi) ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟೀಷನರುಗಳನ್ನು ನೇಮಕ ಮಾಡುವುದು, ಆ ಮೆಡಿಕಲ್ ಪ್ರಾಕ್ಟೀಷನರುಗಳ ಕರ್ತವ್ಯಗಳು ಮತ್ತು ಮೆಡಿಕಲ್ ಸರ್ಟಿಫಿಕೇಟುಗಳ ನಮೂನೆ—ಈ ವಿಷಯಗಳು ;

(xvii) ಕೆಲಸಗಾರರ ನಡೆವಳಿಕೆಗಾಗಿ ವಿಧಾಯಕವಾಗಿರುವ ನಿರೂಪಣೆಗಳಿಗೆ (ಎಂದರೆ, ರೆಗ್ಯುಲೇಷನುಗಳಿಗೆ) ವಿರೋಧವಾಗಿ ವರ್ತಿಸಿದುದಕ್ಕಾಗಿ ಜುಲ್ಮಾನೆಯ ಮೂಲಕ (ಎಂದರೆ ಮೊದಲನೆಯ ತಪ್ಪಿತಕ್ಕೆ ಎರಡು ದಿನಗಳಿಗೆ ಮೀರದಿರುವಷ್ಟು ದಿನಗಳ ಕೂಲಿಯ ಅಥವಾ ಸಂಬಳದ ಜುಲ್ಮಾನೆ ಆ ತರುವಾಯ ಮಾಡುವ ತಪ್ಪಿತಕ್ಕೆ ಮೂರು ದಿನಗಳಿಗೆ ಮೀರದಷ್ಟು ದಿನಗಳ ಕೂಲಿಯ ಅಥವಾ ಸಂಬಳದ ಜುಲ್ಮಾನೆಯ ಮೂಲಕ) ತಪ್ಪಿತಸ್ಥರಿಗೆ ದಂಡನೆಯನ್ನು ವಿಧಿಸುವ ವಿಷಯ ;

(xviii) ಯಾವುದಾದರೂ ನಿರೂಪಣೆಯನ್ನು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನನ್ನು) ಸಲೀಸುಗೊಳಿಸಬೇಕಾದರೆ ಯಾವ ಯಾವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮತ್ತು ಯಾವ ಯಾವ ಷರತ್ತುಗಳಿಗೊಳಪಡಿಸಿ ಆರೀತಿ ಸಲೀಸುಗೊಳಿಸಬೇಕು, ಎಷ್ಟರ ಮಟ್ಟಿಗೆ ಸಲೀಸುಗೊಳಿಸಬಹುದು, ಮತ್ತು ಆರೀತಿ ಸಲೀಸುಗೊಳಿಸುವುದನ್ನು ಮಂಜೂರ್ಮಾಡತಕ್ಕ ಅಧಿಕಾರಿಯಾರು—ಎಂಬ ವಿಷಯ ;

(xix) ಕೆಲಸಗಾರರ ಮುಖ್ಯ ಯಜಮಾನನೂ, ಅಥವಾ ಅವರನ್ನು ಶಾಖೆಯಲ್ಲಿಟ್ಟು ಕೊಂಡು ಅವರಿಂದ ಕೆಲಸ ತೆಗೆಯುವ ಯಜಮಾನನೂ ಕಳುಹಿಸಬೇಕಾಗಿರತಕ್ಕ ಲೆಕ್ಕದ ವರದಿಗಳು ಯಾವುವು, ಅವು ಯಾವ ಯಾವ ನಮೂನೆಗಳಲ್ಲಿರಬೇಕು ಮತ್ತು ಯಾವ ಯಾವ ಕಾಲಗಳಲ್ಲಿ ಅವುಗಳನ್ನು ಕಳುಹಿಸಬೇಕು, ಮತ್ತು ಅಂಥ ವಿವರಗಳಲ್ಲಿ ನಮೂದಾಗಿರಬೇಕಾದ ಸಂಗತಿಗಳು ಯಾವುವು—ಎಂಬ ವಿಷಯ ;

(xx) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಇನ್ಸ್‌ಪೆಕ್ಟರುಗಳ, ಇತರ ಆಫೀಸರುಗಳ ಮತ್ತು ನೌಕರರ ಕರ್ತವ್ಯಗಳೇನು ಮತ್ತು ಅಧಿಕಾರಗಳೇನು—ಎಂಬ ವಿಷಯ ;

(xxi) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯ (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನ) ಮುಖ್ಯ ಆಫೀಸರುಗಳಲ್ಲದೆ ಇರತಕ್ಕ ಇತರ ಆಫೀಸರುಗಳೂ ಮತ್ತು ನೌಕರರೂ ಕೆಲಸಮಾಡಬೇಕಾದ ಷರತ್ತುಗಳ ವಿಷಯ ;

(xxii) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಗೆ ಸಹಾಯದ್ರವ್ಯವನ್ನು (ಎಂದರೆ, ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗನ್ನು) ಜಮೆ ಮಾಡಬೇಕಾದರೆ ಯಾವ ನಡೆವಳಿಕೆಗಳನ್ನು ಅನುಸರಿಸ ಬೇಕೆಂಬ ವಿಷಯ ;

(xxiii) ಸಹಾಯದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್") ಮೊಬಲಗನ್ನು ಜಮೆ ಮಾಡಲು ತಗಲತಕ್ಕ ವೆಚ್ಚದಲ್ಲಿ ಎಷ್ಟು ಭಾಗವನ್ನು ಮುಖ್ಯ ಯಜಮಾನನು ವಹಿಸಬೇಕೆಂಬ ವಿಷಯ ; ಮತ್ತು

(xxiv) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ನಡೆವಳಿಕೆಗಾಗಿ ನಿರೂಪಣೆಗಳು (ಎಂದರೆ ರೆಗ್ಯುಲೇಷನುಗಳು) ಅವಶ್ಯವಾಗಿರುವುದು ಅಥವಾ ಅವುಗಳು ಆಗಲು ಅವಕಾಶವಿರತಕ್ಕ ಸಂದರ್ಭಗಳು ಯಾವುವೆಂಬ ವಿಷಯ.

(3) ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯಿಂದ ಸಾದರಾದ ರೆಗ್ಯುಲೇಷನುಗಳು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸಲ್ಪಡತಕ್ಕದು. ಆಗ ಅವು ಈ ಆಕ್ಟಿನಲ್ಲೇ ಸೇರಿ ವಿಧಾಯಕಮಾಡಲ್ಪಟ್ಟಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಬಲೀಯವುಳ್ಳವುಗಳಾಗಿರತಕ್ಕದು.

96. ಕೆಲಸಗಾರರಿಗೆ ಕೊಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯ ಮುಂತಾದ ಆನುಕೂಲ್ಯ ಸೌಕರ್ಯಗಳನ್ನು ಹೆಚ್ಚಿಸುವುದು:——ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು, ತಮಗೆ ಸಾಕಾದಷ್ಟು ಹಣವಿದ್ದಾಗ ಯಾವಾಗ ಬೇಕಾದರೂ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೊಡಲು ಅವಕಾಶವಿರತಕ್ಕ ಯಾವುದಾದರೂ ಸಹಾಯದ್ರವ್ಯ ಮುಂತಾದ ಆನುಕೂಲ್ಯ ಸೌಕರ್ಯದ ಪ್ರಮಾಣವನ್ನೂ ಮತ್ತು ಅದು ದೊರೆಯುವ ಕಾಲಾವಧಿಯನ್ನೂ ಹೆಚ್ಚಿಸಬಹುದು. ಅಲ್ಲದೆ ವಿಮೆಮಾಡಿರತಕ್ಕ ಜನಗಳ ಕುಟುಂಬದವರ ಆರೋಗ್ಯ ಸ್ಥಿತಿಯನ್ನು ನೋಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ತಗಲತಕ್ಕ ವೆಚ್ಚಕ್ಕಾಗಿ ತಾವೇ ಹಣವನ್ನು ಒದಗಿಸಬಹುದು ಅಥವಾ ಆ ವೆಚ್ಚಕ್ಕಾಗಿ ಇತರರಿಗೆ ಧನಸಹಾಯ ಮಾಡಬಹುದು.

Iನೆಯ ಷೆಡ್ಯೂಲು

(39ನೆಯ ಪ್ರಕರಣವನ್ನು ನೋಡಿ)

1. ಒಬ್ಬ ಕೆಲಸಗಾರನ ಸಂಬಂಧದಲ್ಲಿ ವಾರವಾರವೂ ಪಾವತಿಮಾಡಬೇಕಾದ ಸಹಾಯದ್ರವ್ಯವು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು) ಅವನ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದ ಮೊಬಲಗುಗಳನ್ನನುಸರಿಸಿ ಲೆಕ್ಕಾಚಾರಮಾಡಲ್ಪಡತಕ್ಕದು.

2. ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯ ಮೊಬಲಗುಗಳು ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಇರತಕ್ಕದು:-

(a) ದಿನಗೂಲಿಯ ಮೇಲೆ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಾದರೆ, ಒಂದು ವಾರದಲ್ಲಿ ಸಂಪಾದಿಸಿದ ಕೂಲಿಯ ಮೊಬಲಗನ್ನು ಆ ವಾರದಲ್ಲಿ ಅವನು ಎಷ್ಟು ದಿನಗಳು ಕೆಲಸಮಾಡಿರುತ್ತಾನೋ (ದಿನದಲ್ಲಿ ಪೂರ್ತಾಕಾಲ ಕೆಲಸಮಾಡಿರುವ ದಿನಗಳನ್ನು ಲೆಕ್ಕಾಚಾರಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು) ಆ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು ;

(b) ವಾರದ ಕೂಲಿಯಮೇಲೆ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ, ಒಂದು ವಾರದಲ್ಲಿ ಸಂಪಾದಿಸಿದ ಮೊಬಲಗನ್ನು ಆ ವಾರದಲ್ಲಿ ಅವನು ಎಷ್ಟು ದಿನಗಳು ಕೆಲಸಮಾಡಿರುತ್ತಾನೋ (ದಿನದಲ್ಲಿ ಪೂರ್ತಾಕಾಲ ಕೆಲಸಮಾಡಿರುವ ದಿನಗಳನ್ನು ಲೆಕ್ಕಾಚಾರಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು) ಆ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು ;

(c) ತಿಂಗಳ ಕೂಲಿ ಅಥವಾ ಸಂಬಳದಮೇಲೆ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ, ಸಹಾಯದ್ರವ್ಯವು ಯಾವ ತಿಂಗಳಿನಲ್ಲಿ ಪಾವತಿಯಾಗಬೇಕಾಗಿದೆಯೋ ಆ ತಿಂಗಳಿನಲ್ಲಿ ಸಂಪಾದಿಸಿದ ಮೊಬಲಗನ್ನು ಆ ತಿಂಗಳಿನಲ್ಲಿ ಅವನು ಎಷ್ಟು ದಿನಗಳು ಕೆಲಸಮಾಡಿರುತ್ತಾನೆಯೋ (ದಿನದಲ್ಲಿ ಪೂರ್ತಾಕಾಲ ಕೆಲಸಮಾಡಿರುವ ದಿನಗಳನ್ನು ಲೆಕ್ಕಾಚಾರಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು.) ಆ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು.

(d) ಕೂಲಿಯು ಕೆಲಸಮಾಡತಕ್ಕ ಮತಾವುದಾದರೂ ಅವಧಿಯನ್ನವಲಂಬಿಸಿ ಕೆಲಸಕ್ಕೆ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ, ಸಹಾಯದ್ರವ್ಯವು ಯಾವ

ಅವಧಿಯಲ್ಲಿ ಪಾವತಿಯಾಗಬೇಕಾಗಿದೆಯೋ ಆ ಅವಧಿಯಲ್ಲಿ ಸಂಪಾದಿಸಿದ ಕೂಲಿಯ ಮೊಬಲಗನ್ನು ಆ ಅವಧಿಯಲ್ಲಿ ಅವನು ಎಷ್ಟು ದಿನಗಳು ಕೆಲಸ ಮಾಡಿರುತ್ತಾನೆಯೋ (ದಿನದಲ್ಲಿ ಪೂರ್ತಾಕಾಲ ಕೆಲಸಮಾಡಿರುವ ದಿನಗಳನ್ನು ಲೆಕ್ಕಾಚಾರಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು) ಆ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು ;

(e) ಮಾಡಿದ ಕೆಲಸಕ್ಕೆ ತಕ್ಕಷ್ಟು ಕೂಲಿಯ ಮೊಬಲಗನ್ನು ಕೊಡತಕ್ಕ "ಪೀಸ್‌ವರ್ಕ್" ನಿಯಮವನ್ನನುಸರಿಸಿ ಕೆಲಸಕ್ಕೆ ನೇಮಕಮಾಡಲ್ಪಟ್ಟಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ ಒಂದು ವಾರದಲ್ಲಿ ಅವನು ಸಂಪಾದಿಸಿದ ಮೊಬಲಗನ್ನು ಆ ವಾರದಲ್ಲಿ ಅವನು ಎಷ್ಟು ದಿನಗಳು ಕೆಲಸಮಾಡಿರುತ್ತಾನೋ (ದಿನದಲ್ಲಿ ಪೂರ್ತಾಕಾಲ ಕೆಲಸಮಾಡಿರುವ ದಿನಗಳನ್ನು ಲೆಕ್ಕಾಚಾರಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು) ಆ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಮಾಡಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು ;

(f) ಘಂಟೆಯ ಕೂಲಿಯಮೇಲೆ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ, ಒಂದು ವಾರದಲ್ಲಿ ಅವನು ಸಂಪಾದಿಸಿದ ಕೂಲಿಯ ಮೊಬಲಗನ್ನು ಅವನು ಎಷ್ಟು ಘಂಟೆಗಳು ಕೆಲಸ ಮಾಡಿರುತ್ತಾನೋ ಆ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿ, ಭಾಗಲಬ್ಧವನ್ನು ಎಂಟರಿಂದ ಗುಣಾಕಾರಮಾಡಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು ;

(g) ಮೇಲಿನ (a) (b) (c) (d) (e) ಮತ್ತು (f) ಕ್ಲಾಜುಗಳು ಅನ್ವಯಿಸದೆ ಇರತಕ್ಕ ಕೆಲಸಗಾರನ ವಿಷಯದಲ್ಲಿ, ಯಾವ ದಿನ ಸಹಾಯದ್ರವ್ಯ ಪಾವತಿ ಯಾಗಬೇಕಾಗಿದೆಯೋ ಆದಿನ ಅವನು ಸಂಪಾದಿಸಿದ ಕೂಲಿಯ ಮೊಬಲಗಿನ ಆಧಾರದ ಮೇಲೆ ಲೆಕ್ಕಾಚಾರ ಮಾಡಿದರೆ ಎಷ್ಟು ಮೊಬಲಗು ಬರುತ್ತದೆಯೋ ಅಷ್ಟು ಮೊಬಲಗು ;

ವಿವರಣೆ.—ನಿರೂಪಣೆಗಳಿಂದ ಎಂದರೆ, ರೆಗ್ಯುಲೇಷನುಗಳಿಂದ ಏರ್ಪಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ ಹೊರತು, ಕೂಲಿಯ ಮೊಬಲಗನ್ನು ಲೆಕ್ಕಾಚಾರ ಮಾಡುವಲ್ಲಿ ಸಂಬಳದ ಮೇಲಿನ ಯಾವುದಾದರೂ ರಜಾಕಾಲದ ಅಥವಾ ರಜಾ ದಿನಗಳ ಸಂಬಂಧದಲ್ಲಿ ಪಾವತಿಮಾಡಲ್ಪಟ್ಟ ಸಂಬಳ, ತಲಬು ಅಥವಾ ಭತ್ಯಗಳು ಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲ್ಪಡತಕ್ಕುದಲ್ಲ.

3. (a) ಪಾವತಿಮಾಡಬೇಕಾದ ವಾರದ ಸಹಾಯದ್ರವ್ಯವನ್ನು (ಎಂದರೆ "ಕಾಂಟ್ರಿಬ್ಯೂಷರ್") ಮೊಬಲಗನ್ನು ಗೊತ್ತುಮಾಡುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕೆಲಸಗಾರರು, 2ನೆಯ ಪ್ಯಾರಾದಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ ಲೆಕ್ಕಾಚಾರಮಾಡಿದ ಪ್ರಕಾರ ಅವರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗಿನ ಆಧಾರದಮೇಲೆ, ಎಂಟು ಗುಂಪುಗಳಾಗಿ ವಿಭಾಗಿಸಲ್ಪಡತಕ್ಕುದು.

(b) ಈ ಕೆಳಗೆ ಕೊಟ್ಟಿರುವ ತಃಖ್ತೆಯ ಮೊದಲನೆಯ ಕಲಮಿನಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ಕೆಲಸಗಾರರ ಗುಂಪಿನ ಸಂಬಂಧದಲ್ಲಿ ಕೆಲಸಗಾರರಿಂದ ಪಾವತಿಯಾಗಬೇಕಾಗಿರುವ "ಕಾಂಟ್ರಿಬ್ಯೂಷರ್" ಮೊಬಲಗೂ ಮತ್ತು ಕಾರ್ಖಾನೆಯ ಯಜಮಾನನಿಂದ ಪಾವತಿಯಾಗಬೇಕಾಗಿರುವ "ಕಾಂಟ್ರಿಬ್ಯೂಷರ್" ಮೊಬಲಗೂ ಅದೇ ತಃಖ್ತೆಯ ಎರಡು ಮತ್ತು ಮೂರನೆಯ ಕಲಮುಗಳಲ್ಲಿ ಮೊದಲನೆಯ ಕಲಮಿನೆದುರಿಗೆ ನಮೂದಾಗಿರತಕ್ಕ ಖತಾಯಿತಿಗಳಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರುವ ಆಯಾ ದರಗಳಲ್ಲಿ ಇರತಕ್ಕುದು.

ತಃಖ್ತೆ

ಕೆಲಸಗಾರರ ಗುಂಪು	ಕೆಲಸಗಾರರು ಕೊಡತಕ್ಕ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು (ಕೆಲಸಗಾರರಿಂದ ವಸೂಲ್ಮಾಡಬಹುದಾದುದು)			ಕಾರ್ಖಾನೆಯ ಯಜಮಾನನು ಕೊಡತಕ್ಕ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು			ಒಟ್ಟು "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು (ಕೆಲಸಗಾರರಿಂದಲೂ ಮತ್ತು ಯಜಮಾನನಿಂದಲೂ ಪಾವತಿಯಾಗತಕ್ಕ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು		
	ರೂ.	ಆ.	ಪೈ.	ರೂ.	ಆ.	ಪೈ.	ರೂ.	ಆ.	ಪೈ.
1. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗು 1 ರೂಪಾಯಿಗಿಂತ ಕಡಮೆ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು		ಇಲ್ಲ		0	7	0	0	7	0
2. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗು 1 ರೂಪಾಯಿ ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ 1-8-0 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	0	2	0	0	7	0	0	9	0
3. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗು 1-8-0 ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ಆದರೆ 2 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	0	4	0	0	8	0	0	12	0
4. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗು 2 ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ಆದರೆ 3 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	0	6	0	0	12	0	1	2	0
5. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗು 3 ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ, ಆದರೆ 4 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	0	8	0	1	0	0	1	8	0
6. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಗೂಲಿಯ ಮೊಬಲಗು 4 ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ, ಆದರೆ 6 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	0	11	0	1	6	0	2	1	0
7. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಕೂಲಿಯ ಮೊಬಲಗು 6 ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ, ಆದರೆ 8 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	0	15	0	1	14	0	2	13	0
8. ಯಾವ ಕೆಲಸಗಾರರ ಸರಾಸರಿ ದಿನಕೂಲಿಯ ಮೊಬಲಗು 8 ರೂಪಾಯಿಗಳು ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ಇದೆಯೋ ಆ ಕೆಲಸಗಾರರು ...	1	4	0	2	8	0	3	12	0

IIನೆಯ ಷೆಡ್ಯೂಲು

(49, 51, 52 ಮತ್ತು 53 ನೆಯ ಪ್ರಕರಣಗಳನ್ನು ದಯೆಯಿಟ್ಟು ನೋಡಿ)

ರೋಗ ಕಾಲದಲ್ಲಿ ಕೊಡುವ ಸಹಾಯ, ಮತ್ತು ಕೆಲಸ ಮಾಡಲು ಅರ್ಹತೆಯಿಲ್ಲದ ಅಶಕ್ತರಾದಂಥವರಿಗೂ ಮತ್ತು ಆಶ್ರಿತರಿಗೂ ಕೊಡತಕ್ಕ ಸಹಾಯಗಳು.

1. ಈ ಕೆಳಗೆ ಕಂಡ ಪಟ್ಟಿಯ ಮೊದಲನೆಯ ಕಲಮಿನಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ಗುಂಪುಗಳಲ್ಲಿ ಪ್ರತಿ ಗುಂಪಿನ ಒಬ್ಬ ಕೆಲಸಗಾರನ ಒಂದು ದಿನದ ಸರಾಸರಿ ಸಂಬಳ ಅಥವಾ ಕೂಲಿಯು, ರೋಗ ಕಾಲದಲ್ಲಿ ಕೊಡುವ ಸಹಾಯದ್ರವ್ಯ ಮತ್ತು ಕೆಲಸಮಾಡಲು ಅರ್ಹತೆಯಿಲ್ಲದ ಅಶಕ್ತರಾದಂಥವರಿಗೂ ಮತ್ತು ಆಶ್ರಿತರಿಗೂ ಕೊಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯ—ಇವುಗಳನ್ನು ಲೆಕ್ಕ ಹಾಕುವ ಉದ್ದೇಶಕ್ಕೆ ಆಯಾ ಖತಾಯಿತಿಯ ಎದುರಿನಲ್ಲಿ ಅದೇ ಪಟ್ಟಿಯ ಎರಡನೆಯ ಕಲಮಿನಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ದರದಲ್ಲಿದೆಯೆಂಬುದಾಗಿ ಅನುಮೇಯಿಸಲ್ಪಡತಕ್ಕದು.

ಪಟ್ಟಿ.

ಕೆಲಸಗಾರರ ಗುಂಪು	ಅನುಮೇಯಿಸಲ್ಪಟ್ಟಿರುವ ಸರಾಸರಿ ದಿನದ ಕೂಲಿ.		
	ರೂ.	ಆ.	ಪೈ.
1. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 1 ರೂಪಾಯಿಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು ...	0	14	0
2. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 1 ರೂಪಾಯಿ ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚಾಗಿದ್ದು ರೂ. 1-8-0 ಗಳಿಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು ...	1	4	0
3. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ ರೂ. 1-8-0 ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿದ್ದು ರೂ. 2 ಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು ...	1	12	0
4. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 2 ರೂ. ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿದ್ದು 3 ರೂ. ಗಳಿಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು.	2	8	0
5. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 3 ರೂ.ಗಳು ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚಾಗಿದ್ದು 4 ರೂ.ಗಳಿಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು	3	8	0
6. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 4 ರೂ.ಗಳು ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚಾಗಿದ್ದು 6 ರೂ.ಗಳಿಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು	5	0	0
7. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 6 ರೂ. ಅಥವಾ ಹೆಚ್ಚಾಗಿದ್ದು 8 ರೂ.ಗಳಿಗಿಂತ ಕಡಮೆಯಿರತಕ್ಕ ಕೆಲಸಗಾರರು	7	0	0
8. ಸರಾಸರಿ ದಿನದ ಕೂಲಿ 8 ರೂ. ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿರತಕ್ಕ ಕೆಲಸಗಾರರು. ...	10	0	0

2. ಸಹಾಯ ದೊರೆಯಬೇಕಾದಂಥ ಯಾವುದಾದರೂ ಅವಧಿಯಲ್ಲಿ ರೋಗದ ನಿಮಿತ್ತ ಕೊಡುವ ಸಹಾಯದ ಮೊಬಲಗಿನ ಪ್ರತಿದಿನದ ದರವು, ಮೇಲೆಕಂಡ ಅವಧಿಗೆ ಅನುಗುಣವಾದ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಸಲ್ಲಿಸಲ್ಪಡಬೇಕಾದ ಅವಧಿಯಲ್ಲಿ, ಮೇಲೆ ಕಂಡಂತೆ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ ಸರಾಸರಿ ದಿನದ ಕೂಲಿಯ ದರದ ಮೇರೆಗೆ ಆ ಮನುಷ್ಯನಿಗೆ ಪ್ರತಿವಾರದಲ್ಲೂ ಕೊಡಲ್ಪಟ್ಟ ಮೊತ್ತದ ಅರ್ಧಭಾಗವನ್ನು, ಆ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್ ಅವಧಿ"ಯಲ್ಲಿ, 48ನೆಯ ಪ್ರಕರಣದ ಅರ್ಥವಿವರಣೆಗೊಳಪಟ್ಟು ಆತನು ಕೆಲಸದಲ್ಲಿರುವುದಕ್ಕೆ ದೊರೆಯುವವನಾಗಿರಲಿಲ್ಲವೆಂದು ಭಾವಿಸಲ್ಪಡದಿರತಕ್ಕ ವಾರಗಳ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿದರೆ ಬರುವ ಭಾಗಲಬ್ಧದ ಮೊಬಲಗಾಗಿರ ತಕ್ಕುದು; ಪರಂತು, ಆ ರೀತಿ ಲೆಕ್ಕಹಾಕಿ ಕಂಡುಹಿಡಿದ ಸಹಾಯ ದ್ರವ್ಯದ ಮೊತ್ತದಲ್ಲಿ ಒಂದು ಆಣೆಯ ಭಿನ್ನಾಂಶವೇನಾದರೂ ಸೇರಿದ್ದರೆ ಆ ಭಿನ್ನಾಂಶಕ್ಕೆ ಬದಲಾಗಿ ಒಂದಾಣೆಯನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕುದು. ಮೇಲೆ ಸೂಚಿಸಲಾದ ಲೆಕ್ಕಾಚಾರಗಳನ್ನು ಈ ಕೆಳಗೆ ಕಂಡ ಉದಾಹರಣೆಗಳಿಂದ ವಿವರಿಸಲಾಗಿದೆ:—

1ನೆಯ ಉದಾಹರಣೆ:—ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿ ರೂ. 1-4-0 ಎಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ 10 ವಾರಗಳ ಮೊಬಲಗೂ, ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿ ರೂ. 1-12-0 ಎಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ 10 ವಾರಗಳ ಮೊಬಲಗೂ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯು ರೂ. 2-8-0 ಎಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ 6 ವಾರಗಳ ಮೊಬಲಗೂ ಇರುವಾಗ, ರೋಗದ ನಿಮಿತ್ತ ಕೊಡುವ ಸಹಾಯದ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ ದರವನ್ನು ಕಂಡುಹಿಡಿಯುವುದಕ್ಕೆ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಸಂಬಳವು ಈ ಕೆಳಗೆ ಕಾಣಿಸಿರುವಂತೆ ಇರುತ್ತದೆ:—

$$\frac{10\times20+10\times28+6\times40}{26}=27\tfrac{18}{26}$$

ಹೀಗಿದ್ದರೆ, ಸಹಾಯ ದೊರೆಯಬೇಕಾದ ಅವಧಿಗೆ, ರೋಗದ ನಿಮಿತ್ತ ಪ್ರತಿದಿನಕ್ಕೆ ದೊರೆಯುವ ಸಹಾಯ ದ್ರವ್ಯವು ಅದರಲ್ಲಿ ಅರ್ಧ ಅದರಲ್ಲಿ $13\tfrac{22}{26}$ ಆಣೆಗಳಾಗುತ್ತವೆ. ಇದರಿಂದ ಭಿನ್ನಾಂಶದ ಭಾಗಕ್ಕೆ ಬದಲಾಗಿ 1 ಆಣೆಯನ್ನು ಲೆಕ್ಕಕ್ಕೆ ತೆಗೆದುಕೊಂಡರೆ ಪ್ರತಿದಿನದ ಸಹಾಯದ್ರವ್ಯ 14 ಆಣೆಗಳಾಗುತ್ತವೆ.

2ನೆಯ ಉದಾಹರಣೆ:—"ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಸಲ್ಲಿಸಲ್ಪಡಬೇಕಾದ ಯಾವುದಾದರೂ ಅವಧಿಯಲ್ಲಿ ಆ ಮನುಷ್ಯನು ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗುವುದಕ್ಕೆ 14 ವಾರಗಳು ಇಲ್ಲದಿದ್ದಲ್ಲಿ, ಮತ್ತು ಆ ಅವಧಿಯಲ್ಲಿ 12 ವಾರಗಳು ಮಾತ್ರ ಆತನನ್ನು ಕೆಲಸಗಾರನನ್ನಾಗಿ ಕೆಲಸಕ್ಕೆ ತೆಗೆದುಕೊಂಡಿದ್ದಲ್ಲಿ, ಮತ್ತು ಆ 12 ವಾರಗಳಲ್ಲಿ ಆತನ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿ ರೂ. 1-4-0 ಎಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟಿದ್ದಲ್ಲಿ, ರೋಗದ ನಿಮಿತ್ತ ಕೊಡುವ ಸಹಾಯದ ದರವನ್ನು ಲೆಕ್ಕ ಹಾಕುವುದಕ್ಕೆ ಆತನ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಅನುಮೋಯಿಸಿದ ಸಂಬಳದ ಸರಾಸರಿ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಇರುತ್ತದೆ:—

$$\frac{12\times20}{(26-14)}=20 \text{ ಆಣೆಗಳು}$$

ಆದಕಾರಣ ಸಹಾಯದ್ರವ್ಯ ದೊರೆಯುವ ಅವಧಿಗೆ, ರೋಗದ ನಿಮಿತ್ತ ಕೊಡುವ ಪ್ರತಿದಿನದ ದರವು 10 ಆಣೆಗಳಾಗುತ್ತವೆ.

3ನೆಯ ಉದಾಹರಣೆ:—"ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಸಲ್ಲಿಸಬೇಕಾದ ಯಾವುದಾದರೂ ಅವಧಿಯಲ್ಲಿ ಆತನು ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗುವುದಕ್ಕೆ 4 ವಾರಗಳು ಇಲ್ಲದಿದ್ದಲ್ಲಿ, ಮತ್ತು ಆತನನ್ನು ಕೆಲಸಗಾರನನ್ನಾಗಿ 20 ವಾರಗಳು ಮಾತ್ರ ಕೆಲಸಕ್ಕೆ ತೆಗೆದುಕೊಂಡಿದ್ದಲ್ಲಿ, (ಮತ್ತು 2 ವಾರಗಳು ಆತನಿಗೆ ಯಾವ ಕೆಲಸವೂ ಇಲ್ಲದಿದ್ದಲ್ಲಿ) ಮತ್ತು ಆ 20 ವಾರಗಳಲ್ಲಿ ಆತನ ಪ್ರತಿದಿನದ ಕೂಲಿ ರೂ. 1-12-0 ಎಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟಿದ್ದಲ್ಲಿ ರೋಗದ ನಿಮಿತ್ತ ಕೊಡುವ ಸಹಾಯದ ದರವನ್ನು ಲೆಕ್ಕಹಾಕುವುದಕ್ಕೆ ಆತನ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯೆಂದು ಅನುಮೋಯಿಸಿದ ಕೂಲಿಯ ಸರಾಸರಿ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಇರುತ್ತದೆ:—

$$\frac{20\times28}{(26-4)}=25\tfrac{5}{11} \text{ ಆಣೆಗಳು}$$

ಹೀಗಿರುವಾಗ, ಸಹಾಯದ್ರವ್ಯ ದೊರೆಯುವ ವರ್ಷಕ್ಕೆ, ರೋಗದ ನಿಮಿತ್ತ ಕೊಡುವ ಪ್ರತಿದಿನದ ದರವು $12\tfrac{8}{11}$ ಆಣೆಗಳಾಗುತ್ತದೆ. ಇದರಲ್ಲಿ ಭಿನ್ನಾಂಶಕ್ಕೆ ಬದಲಾಗಿ 1 ಆಣೆಯನ್ನು ಲೆಕ್ಕಕ್ಕೆ ತೆಗೆದುಕೊಂಡರೆ, 13 ಆಣೆಗಳಾಗುತ್ತದೆ.

3. ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತವಾಗಿ ಕೊಡತಕ್ಕ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯವು, ಉದ್ಯೋಗನಿಮಿತ್ತವಾದ ಜಖಂ ಆದ ವಾರಕ್ಕೆ ಹಿಂದಿನ ಐವತ್ತೆರಡು ವಾರಗಳ ಅವಧಿಯಲ್ಲಿ ಆ ಕೆಲಸಗಾರನಪರವಾಗಿ "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಸಲ್ಲಿಸಲ್ಪಟ್ಟ ವಾರಗಳಲ್ಲಿ ಕೊಡಲ್ಪಟ್ಟ ಸರಾಸರಿ ಪ್ರತಿದಿನದ ಕೂಲಿಯೆಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ ದರದಲ್ಲಿ ಅರ್ಧಭಾಗಕ್ಕೆ ಸಮವಾದ ಮೊಬಲಗನ್ನು "ಕಾಂಟ್ರಿಬ್ಯೂಷನ್" ಮೊಬಲಗು ಕೊಡಲ್ಪಟ್ಟ ವಾರಗಳ ಸಂಖ್ಯೆಯಿಂದ ಭಾಗಿಸಿದರೆ ಬರುವ ಭಾಗಲಬ್ಧದ ಮೊಬಲಗಾಗಿರತಕ್ಕುದು. ಪರಂತು, ಆ ರೀತಿ ಲೆಕ್ಕಹಾಕಿದ ಸಹಾಯದ್ರವ್ಯದ ಮೊಬಲಗಿನಲ್ಲಿ ಒಂದು ಭಿನ್ನಾಂಶವು ಸೇರಿದ್ದರೆ, ಅದಕ್ಕೆ ಬದಲಾಗಿ ಒಂದಾಣೆಯನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕುದು. ಮೇಲೆ ಸೂಚಿಸಿದ ಲೆಕ್ಕಾಚಾರವನ್ನು ಈ ಕೆಳಗಿನ ಉದಾಹರಣೆಗಳಿಂದ ವಿವರಿಸಲಾಗಿದೆ.—

ಪ್ರತಿ ದಿನದ ಸರಾಸರಿ ಕೂಲಿ 14 ಆಣೆಗಳೆಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ 20 ವಾರಗಳ ಕೂಲಿಯೂ ಪ್ರತಿ ದಿನದ ಸರಾಸರಿ ಕೂಲಿಯು ರೂ. 1-4-0 ಎಂಬುದಾಗಿ ಅನುಮೋಯಿಸಲ್ಪಟ್ಟ 20ವಾರಗಳ ಕೂಲಿಯೂ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯು ರೂ. 1-12-0 ಎಂಬುದಾಗಿ ಅನು

ಮೇಯಿಸಲ್ಪಟ್ಟ 12 ವಾರಗಳ ಕೂಲಿಯೂ ಇರುವಾಗ. ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತವಾಗಿ ಕೊಡತಕ್ಕ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯದ ಅನುಮೇಯಿಸಲ್ಪಟ್ಟ ದರವನ್ನು ಕಂಡುಹಿಡಿಯುವುದಕ್ಕೆ ಪ್ರತಿದಿನ ಸರಾಸರಿ ಕೂಲಿಯು ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಇರುತ್ತದೆ.—

$$\frac{20 \times 14 + 20 \times 20 + 12 \times 28}{52} = 19\tfrac{28}{52} \text{ ಅಣೆಗಳು.}$$

ಹೀಗಿದ್ದರೆ, ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತವಾಗಿ ಕೊಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯವೂ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವೂ $9\tfrac{40}{52}$ ಅಣೆಗಳಾಗುತ್ತವೆ. ಇದರಲ್ಲಿ ಭಿನ್ನಾಂಶದ ಭಾಗಕ್ಕೆ ಬದಲಾಗಿ 1 ಅಣೆಯನ್ನು ಲೆಕ್ಕಹಾಕಿಕೊಂಡರೆ, ಸಹಾಯದ್ರವ್ಯವು 10 ಅಣೆಗಳಾಗುತ್ತದೆ.

2ನೆಯ ಉದಾಹರಣೆ,

ಉದ್ಯೋಗ ನಿಮಿತ್ತವಾದ ಜಖಂ ಆದ ವಾರಕ್ಕೆ ಹಿಂದಿನ 52ವಾರಗಳ ಅವಧಿಯಲ್ಲಿ ಒಬ್ಬ ಕೆಲಸಗಾರನು 34ವಾರಗಳು ಮಾತ್ರ ಕೆಲಸಮಾಡಿದ್ದಲ್ಲಿ, ಮತ್ತು ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯು 14 ಅಣೆಗಳೆಂಬುದಾಗಿ ಅನುಮೇಯಿಸಲ್ಪಟ್ಟ 20ವಾರಗಳಿದ್ದರೆ, ಮತ್ತು ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯು ರೂ. 1–4–0 ಎಂಬುದಾಗಿ ಅನುಮೇಯಿಸಲ್ಪಟ್ಟ 14ವಾರಗಳಿದ್ದರೆ, ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತ ಕೊಡತಕ್ಕ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ಲೆಕ್ಕಹಾಕುವುದಕ್ಕಾಗಿ ಆತನ ಪ್ರತಿದಿನದ ಸರಾಸರಿ ಕೂಲಿಯೆಂದು ಅನುಮೇಯಿಸಲ್ಪಟ್ಟ ಸರಾಸರಿ ಮೊಬಲಗು ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಇರುತ್ತದೆ.—

$$\frac{20 \times 14 + 14 \times 20}{34} = 16\tfrac{16}{34} \text{ ಅಣೆಗಳು.}$$

ಹೀಗಿದ್ದರೆ, ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತ ಕೊಡತಕ್ಕ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯವು $8\tfrac{8}{34}$ ಅಣೆಗಳಾಗುತ್ತವೆ, ಇದರಲ್ಲಿ ಭಿನ್ನಾಂಶಕ್ಕೆ ಬದಲಾಗಿ 1 ಅಣೆಯನ್ನು ಲೆಕ್ಕಹಾಕಿದರೆ, ಸಹಾಯದ್ರವ್ಯವು ದಿನಕ್ಕೆ 9 ಅಣೆಗಳಾಗುತ್ತದೆ.

ಮೇಲೆ ಹೇಳಿದಂತೆ ಲೆಕ್ಕಚಾರಮಾಡಲ್ಪಟ್ಟಂತೆ ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತವಾಗಿ ಕೊಡತಕ್ಕ ಮತ್ತು ಆಶ್ರಿತರಿಗೆ ಕೊಡಲ್ಪಡತಕ್ಕ ಸಹಾಯದ್ರವ್ಯವನ್ನು ಪೂರ್ತಿದರ ಎಂಬುದಾಗಿ ಕರೆಯತಕ್ಕದು.

4. ಕೆಲಸಕ್ಕೆ ಅನರ್ಹವಾಗಿರುವಂಥ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತವಾಗಿ ಕೊಡತಕ್ಕ ಅಥವಾ ಆಶ್ರಿತರಿಗೆ, ಕೊಡತಕ್ಕ ಮೊಬಲಗು ಈ ಆಕ್ಟು ಅನ್ವಯಿಸತಕ್ಕ ಕಾರ್ಖಾನೆ ಅಥವಾ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಒಬ್ಬ ಕೆಲಸಗಾರನಾಗಿ ನೇಮಕಮಾಡಲ್ಪಟ್ಟು ಕೆಲಸಮಾಡುತ್ತಿರುವಾಗ್ಗೆ ಜಖಂ ಆದುದರಿಂದ ನರಳುತ್ತಿರುವ ಮನುಷ್ಯನಿಗಾಗಲಿ ಅಥವಾ ಅಂಥಾ ಜಖಂ ದೆಸೆಯಿಂದ ಆತನು ಮೃತನಾದರೆ, ಅವನ ಆಶ್ರಿತರಿಗಾಗಲಿ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಪಾವತಿಮಾಡಲ್ಪಡತಕ್ಕದು.—

(i) ವಿಮೆ ಮಾಡಿರುವ ಮನುಷ್ಯನಿಗೆ.—

(a) ಅವನು ತಾತ್ಕಾಲಿಕವಾಗಿ ಕೆಲಸಕ್ಕೆ ಅಶಕ್ತನಾಗಿದ್ದರೆ ಹಾಗೆ ಅಶಕ್ತನಾಗಿರುವ ಅವಧಿಯಲ್ಲಿ ಪೂರ್ತಿದರದ ಮೇರೆಗೆ;

(b) ಅವನು ಖಾಯಮಾಗಿ ಕೆಲಸಕ್ಕೆಸ್ವಲ್ಪಮಟ್ಟಿಗೆ ಅಶಕ್ತನಾಗಿದ್ದರೆ, 1928ನೆಯ ಇಸವಿಯ ಕೆಲಸಗಾರರ ಪರಿಹಾರದ್ರವ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ(ಎಂದರೆ 1928ನೆಯ ಇಸವಿಯXIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 4ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿರುವ ಮೇರೆಗೆ ಪೂರ್ತಿದರದಲ್ಲಿ ಒಂದು ಸೇಕಡಾ ವಾರಿನ ಮೇರೆಗೆ ಅವನು ಜೀವಂತನಾಗಿರುವವರೆಗೆ

(c) ಅವನು ಖಾಯಮಾಗಿಯೂ ಪೂರ್ತಿಯಾಗಿ ಅಶಕ್ತನಾಗಿದ್ದರೆ, ಜೀವಂತನಾಗಿರುವವರೆಗೆ ಪೂರ್ತಿದರದ ಮೇರೆಗೆ;

(d) ಮೇಲೆ ಕಂಡ (a), (b) ಮತ್ತು (c) ಕ್ಲಾಜುಗಳಲ್ಲಿ ಹೇಳಲ್ಪಡದಿರುವ ಅಶಕ್ತತೆಯುಂಟಾದ ಸಂದರ್ಭಗಳಲ್ಲಿ, ರೆಗ್ಯುಲೇಷನುಗಳಲ್ಲಿ ಅವಕಾಶಕಲ್ಪಿಸಬಹುದಾದ ಮೇರೆಗೆ.

(ii) ವಿಮೆಮಾಡಿರುವ ಕೆಲಸಗಾರನಾದ ಮನುಷ್ಯನು ಮೃತನಾದ ಸಂದರ್ಭದಲ್ಲಿ. ವಿಧವೆಯಾದ ಆತನ ಹೆಂಡತಿಗೆ ಮತ್ತು ಮಕ್ಕಳಿಗೆ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಮೊಬಲಗು ಪಾವತಿ ಮಾಡತಕ್ಕದು.—

(a) ವಿಧವೆಯಾದ ಆತನ ಹೆಂಡತಿಗೆ ಆಕೆಯು ಬದುಕಿರುವವರೆಗೆ ಅಥವಾ ಪುನಃ ಮದುವೆಯನ್ನು ಮಾಡಿಕೊಳ್ಳುವವರೆಗೆ ಪೂರ್ತಿದರದಲ್ಲಿ ಐದನೆಯ ಮೂರರಷ್ಟು ಭಾಗಕ್ಕೆ ಸಮನಾದ ಮೊಬಲಗು; ಇಬ್ಬರು ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ವಿಧವೆಯರಾದ ಹೆಂಡತಿಯರು ಇದ್ದಲ್ಲಿ, ಮೇಲೆ ಹೇಳಿದಂತೆ ವಿಧವೆಯಾದ ಹೆಂಡತಿಗೆ ಪಾವತಿ ಮಾಡಬಹುದಾದ ಮೊಬಲಗನ್ನು ಆ ವಿಧವೆಯರಾದ ಹೆಂಡತಿಯರಿಗೆ ಸಮವಾಗಿ ಹಂಚತಕ್ಕದು;

(b) ಪ್ರತಿಯೊಬ್ಬ ಔರಸ ಪುತ್ರನಿಗೂ ಅಥವಾ ಪ್ರತಿಯೊಬ್ಬ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಲ್ಪಟ್ಟ ಮಗನಿಗೂ, ಅವನಿಗೆ ಹದಿನೈದುವರ್ಷಗಳಾಗುವವರೆಗೆ, ಪೂರ್ತಿದರದ ಐದನೆಯ ಎರಡರಷ್ಟು ಭಾಗಕ್ಕೆ ಸಮನಾದ ಮೊಬಲಗು;

(c) ಅವಿವಾಹಿತಳಾದ ಪ್ರತಿಯೊಬ್ಬ ಮಗಳಿಗೂ ಅವಳಿಗೆ ಹದಿನೈದುವರ್ಷಗಳಾಗುವವರೆಗೆ ಅಥವಾ ಮದುಯಾಗುವವರೆಗೆ, ಯಾವುದು ಬೇಗ ಆಗುತ್ತದೆಯೋ ಅಲ್ಲಿಯವರೆಗೆ, ಪೂರ್ತಿ ದರದ ಐದನೆಯ ಎರಡರಷ್ಟು ಭಾಗಕ್ಕೆ ಸಮನಾದ ಮೊಬಲಗು.

ಪರಂತು, ಯಾರಾದರೂ ಔರಸನಾದ ಮಗನಾಗಲಿ ಅಥವಾ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಲ್ಪಟ್ಟ ಮಗನಾಗಲಿ, ಅಥವಾ ಯಾರಾದರೂ ಅವಿವಾಹಿತಳಾದ ಮಗಳಾಗಲಿ, ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರಿಗೆ (ಎಂದರೆ, ಕಾರ್ಪೊರೇಷನಿನವರಿಗೆ) ತೃಪ್ತಿಕರವಾಗುವಂತೆ, ಆತ ಅಥವಾ ಆಕೆ, ಹದಿನೆಂಟುವರ್ಷಗಳಾಗುವ ತನಕ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಮುಂದುವರಿಸುತ್ತಿದ್ದರೆ, ಅಂಥ ಮಗನಿಗಾಗಲಿ ಅಥವಾ ಮಗಳಿಗಾಗಲಿ ಸಾಂಘಿಕ ಸಂಸ್ಥೆಯವರು (ಎಂದರೆ ಕಾರ್ಪೊರೇಷನಿನವರು) ಅವರಿಗೆ ಹದಿನೆಂಟು ವರ್ಷತುಂಬುವವರೆಗೂಕೂಡ ಅದೇರಿತಿ ದ್ರವ್ಯ ಸಹಾಯಮಾಡುತ್ತಿರಬಹುದು ಅಲ್ಲದೆ, ಪರಂತು, ಮೇಲೆ ಸೂಚಿತವಾದಂತೆ ಮೃತನಾದಮನುಷ್ಯನ-(ವಿಧವೆಯಾದ) ಹೆಂಡತಿಗೂ ಅಥವಾ (ವಿಧವೆಯರಾದ) ಹೆಂಡತಿಯರಿಗೂ ಮತ್ತು ಆತನ ಮಕ್ಕಳಿಗೂ ಹಂಚಲ್ಪಡುವುದರ ಮೂಲಕ ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಒಟ್ಟು ಪರಿಹಾರ ದ್ರವ್ಯವು, ಪೂರ್ತಿದರವನ್ನು ಮೀರುವುದಾಗಿದ್ದರೆ, ಅವರುಗಳಿಗೆ ಪಾವತಿಮಾಡಬಹುದಾದ ಒಟ್ಟು ಮೊಬಲಗು, ಪೂರ್ತಿದರದ ಮೇರೆಗೆ ಕೊಡತಕ್ಕ ಅಶಕ್ತತೆಯ ನಿಮಿತ್ತವಾದ ಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ಮೀರದಿರುವಂತೆ ಪ್ರತಿಯೊಬ್ಬ ಆಶ್ರಿತರಿಗೂ ಕೊಡತಕ್ಕ ಭಾಗವನ್ನು ದಾಮಾಷಾ ಮೇರೆಗೆ ಕಡಮೆಮಾಡತಕ್ಕದು.

5. ಮೃತ ನಾದ ಮನುಷ್ಯನಿಗೆ ಅವನು ಮೃತಪಟ್ಟಾಗ ಹೆಂಡತಿಯಾಗಲಿ ಅಥವಾ ಅವರ ಮಕ್ಕಳಾಗಲಿ ಇಲ್ಲದಿದ್ದರೆ, 1928ನೆಯ ಇಸವಿಯ ಕೆಲಸಗಾರರ ಪರಿಹಾರದ್ರವ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ಎಂದರೆ 1928ನೆಯ ಇಸವಿಯ XIVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ) ಮೇರೆಗೆ ನೇಮಕಮಾಡಲ್ಪಟ್ಟ ಕಮಿಷನರವರು ನಿರ್ಧರಿಸಬಹುದಾದ ದರಗಳ ಮೇರೆಗೆ, ಆಶ್ರಿತರಿಗೆ ಕೊಡತಕ್ಕ ಪರಿಹಾರವನ್ನು ಈ ಕೆಳಗೆ ಕಂಡವರಿಗೆ ಪಾವತಿಮಾಡತಕ್ಕದು.—

(a) ತಂದೆ ತಾಯಿಗಳು ಅಥವಾ ಅವರ ತಂದೆತಾಯಿಗುಳು ಜೀವಂತವಾಗಿರುವವರೆಗೆ
(b) ಆಶ್ರಿತನಾದ ಯಾವನಾದರೂ ಇತರ ಹುಡುಗನಿಗೆ ಅವನಿಗೆ ಹದಿನೈದು ವರ್ಷಗಳಾಗುವವರೆಗೆ;
(c) ಆಶ್ರಿತಳಾದ ಯಾವಳಾದರೂ ಇತರ ಹುಡುಗಿಗೆ ಅವಳಿಗೆ ಹದಿನೈದು ವರ್ಷಗಳಾಗುವವರೆಗೆ ಅಥವಾ ಮದುವೆಯಾಗುವವರೆಗೆ, ಅವೆರಡರಲ್ಲಿ ಯಾವುದು ಬೇಗ ಆಗುತ್ತದೆಯೋ ಅಲ್ಲಿಯವರೆಗೆ ಅಥವಾ ಅವಳು ವಿಧವೆಯಾಗಿದ್ದರೆ ಅಬೆವಳಿಗೆ ಹದಿನೈದು ವರ್ಷಗಳಾಗುವವರೆಗೆ.

NOTIFICATION.

No. R. L. 8084, dated Bangalore the 11th June 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Employees State Insurance Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE EMPLOYEES' STATE INSURANCE BILL

A Bill to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent, commencement and application.—(1) This Act may be called the Mysore Employees' State Insurance Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, but different dates may be appointed for different provisions of this Act.

(4) It shall apply, in the first instance, to all factories (including factories belonging to the Government) other than seasonal factories

(5) The Government may, in consultation with the Corporation after giving six months' notice of its intention of so doing by notification in the Official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(1) "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in regulations;

(2) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(3) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act;

(4) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period as may be specified in regulations;

(5) "Corporation" means the Mysore Employees' State Insurance Corporation set up under this Act;

(6) "duly appointed" means appointed in accordance with the provisions of this Act or with the rules and regulations made thereunder;

(7) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1928 (XIV of 1928), if he were a workman within the meaning of the said Act;

(8) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(*i*) who is directly employed by the principal employer on any work of, or incidental or preliminary to, or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere;

(*ii*) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment;

(*iii*) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

but does not include—

(*a*) any member of His Majesty's Naval, Military or Air Forces or of the Mysore State Forces; or

(*b*) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month;

(9) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution;

(10) "family" means the spouse and minor legitimate and adopted children dependent upon the insured person;

(11) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Mysore Mines Act, 1906 (IV of 1906);

"seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Mysore Factories Act, 1936 (I of 1936);

(12) "immediate employer", in relation to employees employed by or through him, means a person who has undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(13) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(14) "occupier" of the factory shall have the meaning assigned to it in the Mysore Factories Act, 1936 (I of 1936);

(15) "prescribed" means prescribed by rules made under this Act:

(16) "principal employer" means—

(i) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (1) of section 9 of the Mysore Factories Act, 1936 (I of 1936), the person so named;

(ii) in any establishment under the control of any department of the Government, the authority appointed by the Government in this behalf or where no authority is so appointed, the head of the Department;

(iii) in any other establishment any person responsible for the supervision and control of the establishment;

(17) "regulation" means a regulation made by the Corporation;

(18) "Schedule" means a Schedule to this Act;

(19) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(20) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(21) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(*a*) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

(*b*) any travelling allowance or the value of any travelling concession;

(*c*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*d*) any gratuity payable on discharge;

(22) "week" means a period of seven days commencing at midnight on Saturday night;

(23) the expressions "dependant," "managing agent," "occupational disease," "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the meanings assigned to them in the Workmen's Compensation Act, 1928 (XIV of 1928).

CHAPTER II.

CORPORATION STANDING COMMITTEE AND MEDICAL BENEFIT COUNCIL.

3. Establishment of Employees' State Insurance Corporation.—(1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Mysore Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Mysore Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of Corporation.—The Corporation shall consist of the following members, namely,—

(*a*) the Minister for Labour in the Government, *Ex-officio*, as Chairman;

(*b*) the Minister for Health in the Government, *Ex-officio*, as Vice-Chairman;

(c) not more than five persons to be nominated by the Government of whom at least three shall be officials of the Government ;

(d) five persons representing employers to be nominated by the Government in consultation with such organisations of employers as may be recognised for the purpose by the Government ;

(e) five persons representing employees to be nominated by the Government in consultation with such organisations of employees as may be recognised for the purpose by the Government ;

(f) two persons representing the medical profession to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government ; and

(g) two persons to be elected by the Mysore Legislature.

5. Term of office of members of the Corporation.—(1) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than the *ex-officio* members and members referred to in clause (c) of section 4, shall be four years commencing from the date on which their nomination or election is notified :

Provided that a member of the Corporation shall, notwithstanding the expiry of the said period of four years, continue to hold office until the nomination or election of his successor is notified.

(2) The members of the Corporation referred to in clause (c) of section 4 shall hold office during the pleasure of the Government.

6. Eligibility for re-nomination or re-election.—An outgoing member of the Corporation, Standing Committee, or the Medical Benefit Council shall be eligible for re-nomination or re-election as the case may be.

7. Authentication of orders, decisions, etc.—All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised in this behalf.

8. Constitution of Standing Committee.—A Standing Committee of the Corporation shall be constituted from among its members, consisting of—

(a) a Chairman, nominated by the Government;

(b) three members of the Corporation, being officials of the Government nominated by it;

(c) six members elected by the Corporation as follows:—

(i) two members from among the members of the Corporation representing employers ;

(ii) two members from among the members of the Corporation representing employees;

(iii) one member from among the members of the Corporation representing the medical profession; and

(iv) one member from among the members of the Corporation elected by the Mysore Legislature.

9. Term of office of members of Standing Committee.—(1) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (a) or clause (b) of section 8, shall be two years from the date on which his election is notified:

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified :

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(2) A member of the Standing Committee referred to in clause (*a*) or clause (*b*) of section 8 shall hold office during the pleasure of the Government.

10. Medical Benefit Council.—(1) The Government shall constitute a Medical Benefit Council consisting of :—

(*a*) the Director of Public Health, *ex-officio*, as Chairman;
(*b*) the Senior Surgeon, *ex-officio*;
(*c*) the Medical Commissioner of the Corporation, *ex-officio*;
(*d*) three members representing employers to be nominated by the Government in consultation with such organisation of employers as may be recognised for the purpose by the Government;
(*e*) three members representing employees to be nominated by the Government in consultation with such organisations of employees as may be recognised for the purpose by the Government; and
(*f*) three members, of whom one shall be a woman, representing the medical profession, to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government.

(2) Save as expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (*a*) to (*c*) of sub-section (1), shall be four years from the date on which his nomination is notified.

11. Filling of vacancies.—(1) Vacancies in the office of nominated or elected members of the Corporation, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(2) A member of the Corporation, the Standing Committee or the Medical Benefit Council nominated or elected in a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

12. Resignation of Membership.—A member of the Corporation, Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Government and his seat shall fall vacant on the acceptance of the resignation by the Government.

13. Cessation of membership.—A member of the Corporation, Standing Committee, or the Medical Benefit Council shall cease to be a member of that body if he fails to attend three consecutive meetings thereof:

Provided that the Corporation, Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Government in this behalf, restore him to membership.

14. Disqualification.—A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council—

(*a*) if he is declared to be of unsound mind by a competent court;
(*b*) if he is an undischarged insolvent;
(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a shareholder (not being a Director) of a company; or
(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment unless a period of ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

15. Fees and allowances.—Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may, from time to time be, prescribed by the Government.

16. Principal Officers.—(1) The Government may, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely ,—

(*a*) a Commissioner of Employees' State Insurance ;
(*b*) a Medical Commissioner ;
(*c*) a Chief Accounts Officer ; and
(*d*) an Actuary.

(2) The Commissioner shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for re-appointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Government.

(6) A person shall be disqualified from being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 14.

(7) The Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. Staff.—(1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business, provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of five hundred rupees and above.

(2) The Corporation shall, with the approval of the Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of five hundred rupees and above shall be made in consultation with the Public Service Commissioner :

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

18. Powers of the Standing Committee.—(1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of employees.—The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council.—Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such time and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

21. Supersession of the Corporation and Standing Committee.—(1) If in the opinion of the Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, it may, by notification in the Official Gazette, supersede the Corporation or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded, a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Government may—

(*a*) immediately nominate, or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8 ;

(*b*) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation, and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislature at the earliest opportunity and in any case not later than three months from the date of the notification superseding the Corporation or the Standing Committee, as the case may be.

22. Duties of Medical Benefit Council.—The Medical Benefit Council shall—

(*a*) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters ;

(*b*) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance ; and

(*c*) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

23. Duties of Principal Officers.—The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

24. Acts of Corporation, etc., not invalid by informality, etc.—No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical Benefit Council.

25. Regional Boards, Local Committees, Regional and Local Medical Benefit Councils.—The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions, as may be provided by regulations.

CHAPTER III

FINANCE AND AUDIT

26. Employees' State Insurance Fund.—(1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Employees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government, any local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into such treasury or bank, as may be approved by the Government, to an account styled the account of the Employees' State Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

27. Purposes for which the Fund may be expended.—Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Employees' State Insurance Fund shall be expended only for the following purposes, namely:—

(*i*) payment of benefits and provision of medical treatment and attendance to insured persons, and where the medical benefit has been extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying charges and costs in connection therewith;

(*ii*) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils;

(*iii*) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act;

(*iv*) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services

for the benefit of insured persons and, where the medical benefit has been extended to their families, their families ;

(*v*) payment of contributions to the Government, any local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit has been extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation ;

(*vi*) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities :

(*vii*) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act ;

(*viii*) payment of any sums under any contract entered into for the purposes of of this Act by the Corporation, or the Standing Committee, or by any officer duly authorised by the Corporation or the Standing Committee in that behalf :

(*ix*) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty, or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation ;

(*x*) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act ;

(*xi*) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons, and for the rehabilitation and re-employment of insured persons who have been disabled or injured ; and

(*xii*) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

28. Holding of property, etc.—(1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in, or have been acquired by, it and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time re-invest or realise such investment.

(3) The Corporation may, with the previous sanction of the Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

29. The Corporation may take loans from the Government for purposes ot meeting the administrative expenses of the Corporation and discharge such loans in accordance with such rules as may be prescribed.

30. Vesting of the property in the Corporation.—All property acquired before the establishment of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

31. Expenditure by Government to be treated as a loan.—All expenditure incurred by the Government for, and in connection with, the establishment of the

Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation and such loan shall be discharged in such manner as may be prescribed.

32. **Budget estimate.**—The Corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

33. **Accounts.**—The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

34. **Audit.**—(1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Government.

(2) The auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

35. **Annual report.**—The Corporation shall submit to the Government an annual report of its work and activities.

36. **Budget, audited accounts and the annual report to be placed before the Legislative Council.**—The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislature and published in the Official Gazette.

37. **Valuation of assets and liabilities.**—The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Government :

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV.

CONTRIBUTIONS.

38. **All employees to be insured.**—Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

39. **Contributions.**—(1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

(2) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf,

(3) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(4) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in regulations.

40. Principal employer to pay contributions in first instance.—(1) The principal employer shall pay in respect of every employee whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, the principal employer shall not be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

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41. Recovery from immediate employer of contribution.—(1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in sub-sections (2) and (3) of section 40.

Explanation.—For the purposes of sections 40 and 41, wages should be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

42. General provisions as to payment of contributions.—(1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee.

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed,

(3) Where wages are payable to an employee for a portion of the week the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution.

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), contribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

43. Method of payment of contribution.—Subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act, and, without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the manner and time of payment of contributions;

(*b*) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or mpressed;

(*c*) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate; and

(*d*) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

44. Returns by employers.—Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in regulations made in this behalf.

45. Inspectors, their functions and duties.—(1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any inspector appointed by the Corporation under sub-section (1) (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with,—

(*a*) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(*b*) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(*c*) examine, with respect to any matter relevant to the purposes aforesaid the principal or immediate employer, his agent or servant, or any person found in such factory, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an employee,

(3) An inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS.

46. Benefits.— (1) Subject to the provisions of this Act, the insured persons, or, as the case may be, their dependants shall be entitled to the following benefits, namely,—

(*a*) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit);

(*b*) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by regulations (hereinafter referred to as maternity benefit);

(*c*) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by regulations (hereinafter referred to as disablement benefit);

(*d*) periodical payments to such dependants of an insured person, who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(*e*) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(2) The Corporation may, at the request of the Government, and subject to such conditions as may be laid down in regulations, extend the medical benefits to the family of an insured person.

47. When person eligible for sickness benefit.—A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him are payable for not less than two-thirds of the number of weeks during which he shall not be deemed to have been not available for employment within the meaning of section 48, subject to a minimum of twelve contributions:

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

48. When person deemed not available for employment.—(1) A person shall be deemed to have been not available for employment in any week—

(*a*) if during the whole of such week he is unable to work on account of sickness which has been duly certified, whether he is qualified to receive sickness benefit or not or

(*b*) if during the whole of such week he is qualified to receive disablement benefit for temporary disablement.

(2) A woman shall be deemed to have been not available for employment in any week if during the whole of such week she would have been entitled to the maternity benefit provided in section 50 had she fulfilled all other conditions entitling her thereto.

49. Sickness benefit.—Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance with section 47 shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness:

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid:

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of

days for which he has already received the benefit makes up to a total of fifty-six days during any continuous period of three hundred and sixty-five days.

50. Maternity benefit.—(1) An insured woman shall be qualified to claim maternity benefit for a confinement occurring in a benefit period if during the corresponding contribution period, weekly contributions, in respect of her, have been paid for not less than two-thirds of the number of weeks during which she shall not be deemed to have been not available for employment whithin the meaning of section 48 subject to a minimum of twelve contributions:

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(2) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (1) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

51. Disablement benefit.—(1) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable—

(*a*) to a person who sustains temporary disablement, during the period of such disablement;

(*b*) to a person who sustains permanent partial disablement, during his life;

(*c*) to a person who sustains permanent total disablement, during his life; and

(*d*) to a person, in all cases of disablement not falling under sub-clauses (*a*), (*b*) or (*c*) of this sub-section, as may be provided in regulations.

(2) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

52. Dependants' benefit.—Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependant's benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule.

53. Disablement and dependants' benefits.—Where an insured person is, or his dependants are, entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1928 (XIV of 1928), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely:—

(*i*) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act, but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1928 (XIV of 1928), from the Corporation and not from the employer or other person.

(*ii*) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(*iii*) In case the insured person does not leave surviving him any widow or children as aforesaid or in the case of an insured woman if she does

not leave behind her any children as aforesaid, dependants' benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928).

(*iv*) The amount of dependants' benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the insured person as benefit on permanent total disablement.

(*v*) Save as modified by this Act, the obligations and liabilities imposed on an employer by the Workmen's Compensation Act, 1928 (XIV of 1928), shall continue to apply to him.

54. Medical examination.—All medical examinations and treatment referred to in the Workmen's Compensation Act, 1928 (XIV of 1928), shall for the purposes of this Act, be carried out by duly appointed medical practitioners.

55. Review of benefits.—(*1*) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), on the application of—

(*a*) an Insurance Officer of the Corporation, or

(*b*) the person receiving the benefit, and such application shall be accompanied by a certificate of a duly appointed medical officer:

Provided that such application may be made without such certificate in such circumstances as may be specified in regulations made in this behalf.

(*2*) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

56. Medical benefit.—(*1*) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.

(*2*) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution, or by visits to the home of the insured person, or treatment as in-patient in a hospital or other institution.

(*3*) A person shall be entitled to medical benefit during any week for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or, as provided under the regulations, is in receipt of disablement benefit:

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations.

57. Scale of medical benefit.—(*1*) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and of such scale as may be provided by the Government or by the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(*2*) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by regulations.

58. Provision of medical treatment by Government.—(*1*) The Government shall provide for insured persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment (as out-patient or in-patient as the circumstances of the case may require) at dispensaries, hospitals or other institutions:

Provided that the Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(*2*) The Corporation may enter into an agreement with the Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the Corporation and the Government.

(*3*) In default of agreement between the Corporation and the Government as aforesaid the nature and extent of the medical treatment to be provided by the Government and the proportion in which the cost thereof shall be determined by an arbitrator (who shall be or shall have been a Judge of the High Court) appointed by the Chief Justice and the award of the arbitrator shall be binding on the Corporation and the Government.

59. Establishment and maintenance of hospitals, etc., by Corporation.—(1) The Corporation may, with the approval of the Government, establish and maintain such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(2) The Corporation may enter into agreement with any Provincial Government in India, local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL.

60. Benefit not assignable or attachable.—(1) The right to receive any future payment of any benefit under this Act shall not be transferable or assignable.

(2) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. Bar of benefits under other enactments.—When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

62. Employees not to commute cash benefits.—Save as may be provided in the regulations, an employee shall not be entitled to commute for a lumpsum any periodical payment admissible under this Act.

63. Employees not entitled to receive benefits in certain cases.—No person shall be entitled to sickness benefit, or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages.

64. Employees to observe conditions.—A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)—

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(*c*) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by regulations; and

(*d*) shall allow himself to be examined by any duly appointed medical officer or sick visitor or other person authorised by the corporation in this behalf.

65. Benefits not to be combined.—(1) An insured person shall not be entitled to receive for the same period—

(*a*) both sickness benefit and maternity benefit; or

(*b*) both sickness benefit or disablement benefit for temporary disablement; or

(*c*) both maternity benefit and disablement benefit for temporary disablement.

(2) Where a person is entitled to more than one of the benefits mentioned in sub-section (1), he shall be entitled to choose which benefit he shall receive.

66. Corporation's right to recover damages from employer in certain cases.—(1) Where any employment injury is sustained by an insured person as an employee under this Act by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or establishment, or by reason of any wrongful act of the employer or his agent, the Corporation shall be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1928 (XIV of 1928), the actuarial present value of the periodical payments which the Corporation is liable to make under this Act.

(2) For the purposes of this Act, the actuarial present value of the periodical payments shall be determined in such manner as may be specified in regulations.

67. Corporation's right to be indemnified in certain cases.—Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability in some person other than the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable:

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the employee sustaining the employment injury as an employee under this Act, except in cases covered by section 66.

68. Corporation's right to recover contribution neglected to be paid by principal employer.—(1) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not

occurred and the Corporation shall be entitled to recover from the principal employer either—

(i) the difference between the amount of benefit which is paid to the said person and the amount of the benefit which would be payable on the basis of the contributions which should have been paid by the employer; or

(ii) twice the amount of the contribution which the employer failed or neglected to pay;

whichever is greater.

(2) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

69. Liability of owner or occupier of factories, etc., for excessive sickness benefit.—(1) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reason of—

(i) insanitary working conditions in a factory or establishment, or the neglect of the owner or occupier of the factory to observe any health regulations enjoined on him by or under any enactment, or

(ii) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary condition is attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment,

the Corporation may send to the owner or occupier of the factory or establishment, or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the Government.

(2) If the Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter.

(3) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory, or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil court.

(5) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

70. Repayment of benefit improperly received.—(*1*) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(*2*) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(*3*) The amount recoverable under this section may be recovered as if it were an arrear of land-revenue.

71. Benefit payable up to and including day of death.—If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of

such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

72. Employer not to reduce wages, etc.—No employer by reason merely of his liability for any contributions payable under this Act shall, directly or indirectly, reduce the wages of any employee, or discontinue or reduce benefits payable to him under the conditions of his service which are similar to the benefits conferred by this Act, except as provided by the regulations.

73. Employer not to dismiss or punish employee during period of sickness, etc.—(*1*) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement, or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations to arise out of the pregnancy or confinement rendering the employee unfit for work.

(*2*) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (*1*) shall be valid or operative.

CHAPTER VI.

ADJUDICATION OF DISPUTES AND CLAIMS.

74. Constitution of Employees' Insurance Court.—(*1*) The Government shall, by notification in the Official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification.

(*2*) The Court shall consist of such number of judges as the Government may think fit.

(*3*) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a judge of the Employees' Insurance Court.

(*4*) The Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(*5*) Where more than one Court has been appointed for the same local area, the Government may by general or special order regulate the distribution of business between them.

75. Matters to be decided by Employees' Insurance Court.—(*1*) If any question or dispute arises as to—

(*a*) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(*b*) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(*c*) the rate of contribution payable by a principal employer in respect of any employee, or

(*d*) the person who is or was the principal employer in respect of any employee, or

(*e*) the right of any person to any benefit and as to the amount and duration thereof, or

(*f*) the actuarial present value of the periodical payments referred to in section 66, or

(g) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation, or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act.

Such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Employees' Insurance Court, namely :—

(a) claim for the recovery of contributions from the principal employer;

(b) claim by a principal employer to recover contributions from any immediate employer;

(c) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(d) claim against a principal employer under section 68;

(e) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(f) any claim for the recovery of any benefit admissible under this Act.

(3) No civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

76. Institution of proceedings, etc.—(1) Subject to the provisions of this Act and any rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question of dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) The Court to which any matter is transferred under sub-section (2) shall continue the proceedings as if they had been originally instituted in it.

77. Commencement of proceedings.—(1) The proceedings before an Employees' Insurance Court shall be commenced by application.

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Government in consultation with the Corporation.

78. Powers of Employees' Insurance Court.—(1) The Employees' Insurance Court shall have all the powers of a civil court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence; and such Court shall be deemed to be a civil court within the meaning of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1904 (II of 1904).

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the Government, be in the discretion of the Court.

(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil court.

79. Appearance by legal practitioners, etc.—Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner, or by an officer of an association registered under the Mysore Labour Act, 1942, authorised in writing by such person, or, with the permission of the Court, by any other person so authorised.

80. Benefit not admissible unless claimed in time.—An Employees' Insurance Court shall not direct the payment of any benefit, to a person unless he has made a claim for such benefit, in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable excuse for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefits as if the claim had been made in time.

81. Reference to High Court.—An Employees' Insurance Court may submit any question of law for the decision of the High Court, and, if it does so, shall decide the question pending before it in accordance with such decision.

82. Appeal.—(1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be sixty days.

(4) The provisions of sections 5 and 12 of the Mysore Limitation Act, 1911 (IV of 1911), shall apply to appeals under this section.

83. Stay of payment pending appeal.—Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII.

PENALTIES.

84. Punishment for false statement.—Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes, or causes to be made, any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both.

85. Punishment for failure to pay contributions, etc.—If any person—

(*a*) fails to pay any contribution which under this Act he is liable to pay, or

(*b*) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(*c*) reduces the wages or any privileges or benefits admissible to an employee in contravention of section 72, or

(*d*) dismisses, discharges, reduces or otherwise punishes an employee in contravention of section 73 or any regulation, or

(*e*) fails or refuses to submit any return required by the regulations or makes a false return, or

(*f*) obstructs any inspector or other official of the Corporation in the discharge of his duties, or

(*g*) is guilty of any contravention of, or non-compliance with, any of the requirements of this Act or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

86. Prosecutions.—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Commissioner of Employees' State Insurance.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

87. Exemption of a factory or establishment or class of factories or establishments.—The Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment, or class of factories or establishments, in any specified area from the operation of this Act for a period not exceeding one year and may, from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

88. Exemption of persons or class of persons.—The Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons employed in any factory or establishment, or class of factories or establishments, to which this Act applies from the operation of the Act.

89. Corporation to make representation.—No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity has been given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

90. Exemption of factories or establishments belonging to Government or any local authority.—The Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the Government or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

91. Exemption from one or more provisions of the Act.—The Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment, or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

92. Corporation officers and servants to be public servants.—All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

93. Contributions, etc., due to Corporation to have priority over other debts.—There shall be deemed to be included among the debts which, under section

61 of the Mysore Insolvency Act, 1925 (XI of 1925), or under section 230 of the Mysore Companies Act, 1938 (XVII of 1938), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

94. Power of Government to make rules.—(1) The Government may, subject to the condition of previous publication, make rules not inconsistent with this Act in regard to all or any of the following matters, namely :—

(*a*) the manner in which nominations and elections of members of the Corporation, Standing Committee and Medical Benefit Council shall be made ;

(*b*) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year ;

(*c*) the records to be kept of the transaction of business by the Corporation, Standing Committee and the Medical Benefit Council ;

(*d*) the powers and duties of the Principal Officers and the conditions of their service ;

(*e*) the powers and duties of the Medical Benefit Council ;

(*f*) the procedure to be adopted in the execution of contracts ;

(*g*) the acquisition, holding and disposal of property by the Corporation ;

(*h*) the raising and repayment of loans ;

(*i*) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation ;

(*j*) the basis on which the periodical valuation of the assets and liabilities of the Corporation shall be made ;

(*k*) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised ;

(*l*) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited ;

(*m*) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged ;

(*n*) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published ;

(*o*) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation ;

(*p*) any other matter in regard to the incorporation, regulation and winding up of the Corporation required or allowed by this Act to be prescribed by the Government.

(*q*) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges ;

(*r*) the procedure to be followed in proceedings before such courts and the execution of orders made by such courts ;

(*s*) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications ;

(*t*) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution ;

(*u*) the scale of medical benefit which shall be provided at any such hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns ;

(*v*) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions ;

(*w*) the conditions of service of the staff employed at such hospitals, dispensaries and institutions ; and

(*x*) any other matter which is required or allowed by this Act to be prescribed by the Government.

(2) Rules made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

95. Power of Corporation to make regulations.—(1) The Corporation may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings ;

(ii) the matters which shall be referred by the Standing Committee to the Corporation for decision ;

(iii) the manner in which any contribution payable under this Act shall be assessed and collected ;

(iv) reckoning of wages for the purpose of fixing the contribution payabale under this Act ;

(v) the certification of sickness and eligibility for any cash benefit ;

(vi) the method of determining the actuarial present value of periodical payments ;

(vii) the assessing of the money value of any benefit which is not a cash benefit ;

(viii) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim ;

(ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished ;

(x) the manner in which and the place and time at which any benefit shall be paid ;

(xi) the method of calculating the amount of cash benefit payable to an employee and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value ;

(xii) the notice of pregnancy or of confinement and notice and proof of sickness ;

(xiii) the conditions under which any benefit may be suspended ;

(xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons ;

(xv) the visiting of sick persons ;

(xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates ;

(xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees ;

(xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted;

(xix) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(xx) the duties and powers of inspectors and other officers and servants of the Corporation;

(xxi) the conditions of service of the officers and servants of the Corporation other than the Principal Officers;

(xxii) the procedure to be followed in remitting contributions to the Corporation;

(xxiii) the portion of the expenses of remitting contributions which should be borne by the principal employer; and

(xxiv) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

96. Enhancement of benefits.—At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

SCHEDULE I

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages.

2. The average daily wages shall be—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the week divided by the number of days worked (reckoned in terms of full working days) ;

(*b*) in respect of an employee employed on weekly wages, the amount earned in the week divided by the number of days worked (reckoned in terms of full working days) ;

(*c*) in respect of an employee employed on monthly wages, the amount earned in the month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) ;

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period ;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the week divided by the number of days worked (reckoned in terms of full working days) ;

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight ;

(*g*) in respect of an employee who does not fall under clause (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by regulations, pay, salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE

Group of employees.	Employees' contribution (recoverable from employees)	Employers' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Employees whose average daily wages are below Re. 1	Nil.	0 7 0	0 7 0

Group of employees	Employees' contribution (recoverable from employees)	Employers' contribution	Total contribution (employees' and employer's contribution)
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A. P.
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	0 4 0	0 8 0	0 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II.

(*See* sections 49, 51, 52 and 53).

Sickness Benefit and Disablement and Dependants' Benefits.

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE

Group of employees 1	Average assumed daily wages 2
	Rs. A. P.
1 Employees whose average daily wages are below Re. 1	0 14 0
2 Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	1 4 0
3 Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	1 12 0
4 Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2 8 0
5 Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	3 8 0
6 Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	5 0 0
7 Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7 0 0
8 Employees whose average daily wages are Rs. 8 and above ...	10 0 0

2. The daily rate of sickness benefit during any benefit period shall be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was not deemed to have been not available for employment within the meaning of section 48; provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1/4/- a day for 10 weeks, Rs. 1/12/- a day for 10 weeks and Rs. 2/8/- a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be :—

$$\frac{10 \times 20 + 10 \times 28 + 6 \times 40}{26} = 27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas, rounded to the next higher anna, namely, 14 annas.

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs. 1/4/- for the 12 weeks, the average of the assumed daily wages for purpose of the rate of sickness benefit will be :—

$$\frac{12 \times 20}{(26-14)} = 20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was employed as an employee for only 20 weeks (he, having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being Rs. 1-12-0 for 20 weeks, the average of the daily wages for the purpose of the rate of sickness benefit will be :—

$$\frac{20 \times 28}{(26-4)} \quad 25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas rounded to the next higher anna, namely, 13 annas.

3. Disablement and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid : provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20 \times 14 + 20 \times 20 + 12 \times 28}{52} = 19\frac{28}{52} \text{ annas.}$$

The disablement or dependants' benefit will then be $9\frac{20}{26}$ annas, rounded to the next higher anna, namely, 10 annas a day.

Example 2.—If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20 \times 14 + 14 \times 20}{34} = 16\frac{16}{34} \text{ annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$ annas, rounded to the next higher anna, namely, 9 annas a day.

The disablement or dependants' benefits calculated as aforesaid shall be called the full rate.

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows :—

(i) to the insured person—

(*a*) for temporary disblement during the period of such disablement at the full rate ;

(*b*) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1928 (XIV of 1928), for life ;

(*c*) for permanent total disablement at the full rate for life ;

(*d*) in cases of disablement not covered by clauses (*a*), (*b*) and (*c*) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows :—

(*a*) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows ;

(*b*) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age ;

(*c*) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier ;

Provided, that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation :

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependants' benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), shall be payable as follows :—

(*a*) to a parent or grand parent, for life ;

(*b*) to any other male dependant, until he attains fifteen years of age ;

(*c*) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

Statement of Objects and Reasons.

The Indian Dominion Legislature recently passed a Bill to provide for certain benefits to employees in case of sickness, maternity and employment injury. It is considered necessary that labourers in Mysore should be entitled to similar benefits. The present Bill closely follows the Bill passed by the Dominion Legislature.

The scheme envisaged in the Bill is one of compulsory State insurance providing for certain benefits in the event of sickness, maternity and employment injury to employees employed in or in connection with work in factories other than seasonal factories. Provision has been made for extending the scheme to other establishment or class of establishments, industrial, commercial, agricultural or otherwise. The administration of the scheme is proposed to be entrusted to a Corporation constituted under the Bill. The Corporation will be constituted of representatives of Government and of employers and employees and the medical profession. The Corporation will also include certain members elected by the Legislative Council. A Standing Committee of the Corporation will act as the Executive of the Corporation, and a Medical Benefit Council will also be set up to advise on matters relating to the administration of medical benefit.

The insurance fund will be mainly derived from contributions from employers and employees. The contribution payable in respect of each employee will be based on his average wages and will be payable in the first instance by the employer. The employer will be entitled to recover the employee's share from the wages of the employee concerned. Employees whose earnings do not exceed one rupee a day will be totally exempt from payment of any share of the contribution, the entire contribution on account of such employee being met by the employer. Provision has been made for the preparation of proper budgets and the audit of accounts.

The insured employee will be entitled to the following benefits:—

(a) *Sickness Cash Benefit.*—An employee if certified sick and incapable of working, will receive for a period not exceeding 56 days in any continuous period of 365 days a cash allowance equal approximately to half his average daily wages. He will also be entitled to receive medical care and treatment at such hospitals, dispensaries

or other institutions to which the factory in which he is employed may be allotted.

(*b*) *Maternity Benefit.*—Women employees will be entitled to receive a maternity benefit at 12 annas a day for 12 weeks. They will also be entitled to medical aid at the aforesaid medical institutions.

(*c*) *Disablement and Dependants' Benefits.*—An employee disabled by employment injury will receive, for the period of disablement or life depending on whether the disablement is temporary or full and permanent as the case may be, a monthly pension equivalent to half his average wages during the previous 52 weeks. Where disablement is partial, the pension will be proportionately reduced. In case of death resulting from employment injury, the pension will be payable to the widow or widows, minor sons and minor and unmarried daughters, or in case there are no widow and legitimate children, to other dependants of the deceased employee. Employees and their families will also be entitled to medical care and treatment.

Medical care and treatment to insured employees and their families will be provided by the Government at such hospitals, dispensaries and other institutions as may be prescribed for the purpose. The cost of the medical benefit will be shared between the Government and the Corporation in such proportions as may be agreed upon between them.

Employees' State Insurance Courts will be set up to decide disputes and adjudicate on claims. The cost of the tribunal will be paid by the Insurance Fund.

Government will make rules on matters relating to the administration of the Corporation, such as nomination and election of members of the Corporation, Standing Committee, Madical Benefit Council, powers and duties of the principal officers, raising of loans, investment of funds, accounts to be maintained by the Corporation, their audit and publication. Government will also make rules on matters relating to the employees insurance courts to be set up under the Act, establishment of hospitals, dispensaries, medical institutions, etc., and the scale of medical benefit to be provided to insured persons. The Corporation will make regulations on matters relating to the working of the scheme, *e.g.*, collection of contributions, payment of benefits, returns and other particulars to be submitted by employers in respect of employees employed by them, the conditions to be observed by insured persons in receipt of benefits, etc.

NOTIFICATION.

No. 2323—L. C., dated Bangalore, the 8th December 1948.

Under Standing Order 36 of the Mysore Legislative Council Standing Orders, the following report of the Select Committee on the Mysore Employees' State Insurance Bill, is published for general information.

By Order,
T. KEMPIAH.
Secretary,
Mysore Legislative Council.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE EMPLOYEES' STATE INSURANCE BILL.

We, the Members of the Select Committee to which the Mysore Employees' State Insurance Bill has been referred, have considered the Bill at meetings held on 13th September, 22nd September and 28th September 1948 and have the honour to submit the following report:—

Clause 2 (10).—Modify the definition as follows:—

"Family" means the spouse and minor legitimate and adopted children, parents and parents-in-law dependent upon the insured person."

Clause 4—Recast sub-clause (c) as follows:—

"Not more than five persons to be nominated by the Government, of whom at least one shall be a woman and three officials of the Government."

Recast sub-clause (*e*) as follows:—

"Five persons, one at least of whom shall be a woman, representing employees to be nominated by the Government in consultation with such organisations of employees as may be recognised for the purpose by the Government;"

Clause 7—In the last line, add the words "by it" between as may be authorised "and" in this behalf"

Clause 8—Recast sub-clause (b) as—

"Three members of the Corporation nominated by it, one of whom shall be a woman and the other two officials of the Government."

Clause 10—Recast as follows :—

(*a*) " the Senior Surgeon, *ex-officio*, as Chairman ;

(*b*) " the Director of Public Health, *ex-officio* ;

Clause 17—In the last line of the sub-clause (1) substitute " two hundred and fifty rupees and above " in place of " five hundred rupees and above. "

Recast sub-clause (3) as follows :—

" Every appointment to posts carrying a maximum monthly pay of two hundred and fifty rupees and above shall be made with the approval of the Government. "

In the proviso to clause 17 (3) substitute " not exceeding six months " for " not exceeding one year ".

Clause 19.—In the heading substitute " insured persons " for " employees ".

Clause 20.—Substitute "times and places" for "time and places".

Clause 21 (5).—Delete the rest of the sentence after the words " at the earliest opportunity ".

Clause 24.—Add the words " reason of " between " by " and " informality ", in the heading of the clause.

Clause 26.—Add " Mysore " before " Employees State Insurance Funds " wherever it occurs in clauses 26 and 27.

Clause 27.—In sub-clause (i) add the word the between " defraying " and " charges ".

Clause 36.—In the heading of clause 36 substitute " Legislature " for " Legislative Council ".

Clause 39.—Add " the " before " regulations " in the last line of sub-clause (4).

Clause 40.—Add " the " before " first instance " in the heading of the clause.

Clause 40 (3).—Add the word " neither " before " the principal employer " and add also the words " nor immediate employer " after the words " the principal employer ".

Delete the word " not " in the second line.

Clause 41.—Recast the heading of the clause as :- " Recovery of contribution from immediate employer ".

In the last line of sub-clause (2) of clause 41 substitute " sub-section (2) of Section 40 " for " sub-sections (2) and (3) of Section 40 "

Substitute "shall" for "should" in the explanation to sub-clause (2) of clause 41.—

Clause 45 (*c*).—Add the word "establishment," after "factory" in the third line.

Clause 46 (2).—Add "the" before "regulations" in the second line.

Clause 47.—Recast clause 47 as follows:—

"47. *When person eligible for sickness benefit*:—A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than two-thirds of the number of weeks during which he shall be deemed to have been available for employment within the meaning of Section 48, subject to a minimum of twelve contributions;

Provided that the Corporation may waive the minimum number of contributions during the first contribution period".

Clause 48.—Recast Clause 48 follows:-

When person deemed available for employment:—A person shall always be deemed to have been available for employment in any week, except when during the whole of such week.—

(*a*) he was unable to work on account of sickness which had been duly certified whether entitling him to receive sickness benefit or not, or

(*b*) he was qualified to receive disablement benefit for temporary disablement, or

(*c*) in the case of an insured woman, she was entitled to the maternity benefit provided in section 50 or she would have been entitled to such benefit if she had fulfilled all other conditions entitling her thereto".

Clause 50.—Substitute "were payable" for "have been paid" after the words "in respect of her" in line three, and delete the word "not" occurring twice in lines four and five.

Clause 51 (1) (*d*).—Add the word "the" before 'Regulations".

Clause 53 (iii).—Substitute "leave him surviving" for "leave surviving him" in the first line, and substitute "as mentioned in clause (ii)" for "as aforesaid" in the second line.

In the third line of the same clause, substitute "leave her surviving" for "leave behind her" and the words 'mentioned in clauses (ii)' for 'aforesaid'.

Clause 55.—In the proviso to clause 55 (1) (*b*) add "the" before "regulations" in the second line.

Clause 57 (2).—Add "the" before "regulations" in the last line.

Clause 58 (3).—Add the words "shall be shared between the Corporation and the Government", between "thereof" and "shall be determined" in the third line.

Clause 60.—Delete the word "future" in sub-clause (1) and continue the sentence by removing the full-stop; after the last word "assignable" and the words "save in accordance with the provisions of this Act or the Rules thereunder".

Clause 62.—In the heading of the clause substitute "Persons" for "Employees".

Substitute "no person" for "an employee" and delete the word "not" in the second line of the clause.

Clause 63.—In the heading of the clause substitute "Persons" for "Employees".

Clause 64.—In the heading of the clause substitute "Beneficiaries" for "Employees".

In the last line of sub-clause (*c*), add "the" before "regulations".

In sub-clause (*d*) substitute "health visitor" for "sick visitor".

Clause 65.—In sub-clause (1) (*b*) substitute "and" for "or" in the first line.

Clause 66.—In sub-clause (1) (in the fifth line) add the words "notwithstanding the fact that the employer has paid the weekly contributions due under this Act in respect of such insured person", between "the Corporation shall" and "be".

Add the word "the" before "regulations" in the last line of clause 66 (2).

Clause 68.—The heading be modified as:—

"Corporation's rights where a principal employer fails or neglects to pay any contribution".

Clause 69.—In the second line of sub-clause (1) (i) add the words "or establishment" after the word "factory".

In the second line of sub-clause (1) (ii) substitute the words "conditions are" for "condition is" in the second line.

In sub-clause (3) (in line 4) add 'or establishment' after the word 'factory'.

Clause 72.—Recast the clause as follows:—

"No employer by reason only of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or except as provided by the regulations, discontinue or reduce benefits payable to him under the conditions or his service which are similar to the benefits conferred by this Act."

Clause 73.—In the last but one line of sub-clause (1) substitute the words 'as arising' for 'to arise'.

Clause 75.—At the end of sub-clause (1) (g) after the word 'Act' substitute the full-stop by a comma and begin the next para with a small letter.

Clause 76.—In the last line of sub-clause (1) substitute 'or' for 'of'.

Clause 80.—In the proviso to clause 80, in the first line, substitute 'cause' for 'excuse' and 'benefit' for 'benefits' in the last line.

Clause 82.—In the sub-clause (2) continue the sentence by adding the words:

'or if the value of the subject matter in dispute exceeds Rs. 500'.

Clause 85 (g).—Add the words 'the rules or' between 'the requirements of this Act or' and 'the regulations in respect of'.

Clause 94.—Substitute the following for sub-clause (1):

'The Government may, subject to the condition of previous publication, make rules not inconsistent with this Act for the purpose of giving effect to the provisions thereof.'

Add the following as sub-clause (2):

'In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely':—

Below sub-clause (2) enter the items (*a*) to (*x*) as now found under sub-clause (1).

Continue the sentence in item (*a*) by removing the semi colon and adding the words 'and the qualification for such membership;'

Renumber sub-clause (2) as (3).

Clause 95.—In item (*xv*) of sub-clause (2) remove the semi colon and continue the sentence by adding the words 'by health visitors'.

Delete item (xxiii) and renumber item (xxiv) as (xxiii).

Schedule I.—In 2 (*g*) substitute the words 'clauses (*a*) to (*f*)' for 'clause (*a*) to (*f*)'.

Table.—In the First Item of the Table, substitute '0-6-0' for '0-7-0' in the two places, *i.e.*, under columns 3 and 4.

We are of opinion that no material alterations have been made as would require the republication of the Bill, and that therefore the Bill need not be republished.

K. T. BHASHYAM
J. MAHOMED IMAM
BELUR SRINIVASA IYENGAR
K. KUPPASWAMY NAIDU
T. MADIAH GOWDA
K. M. KRISHNAPPA GOWDA
H. S. RUDRAPPA
O. VEERABASAPPA
RAMAIAH
B. N. KANNAN
B. S. PUTTASWAMY
M. R. LAKSHAMMA
L. S. VENKAJI RAO
A. C. MALLE GOWDA
MAHOMED ISMAIL SHERIFF

During the discussions the following members were absent on the dates noted against their names:—

1	*Mushir-ul-Mulk* J. Mahomed Imam ...	13th and 22nd September 1948.
2	Sri Belur Srinivasa Iyengar ...	13th, 22nd and 28th September 1948.
3	Sri B. S. Puttaswamy ...	13th September 1948.
4	Sri A. C. Malle Gowda ...	13th and 28th September 1948.
5	*Dharmaprakasa Rao Bahadur* K. Kuppaswamy Naidu.	22nd and 28th September 1948.
6	*Dharmaprakasa* L. S. Venkaji Rao ...	28th September 1948.
7	Sri H. S. Rudrappa ...	22nd September 1948.
8	Sri T. Madiah Gowda ...	28th September 1948.

Printed by the Director of Stationery and Printing at the Govt. Press, Bangalore.

1660/73

MYSORE LEGISLATURE.

OFFICE OF THE MYSORE LEGISLATURE,
OLD PUBLIC OFFICES,

No. 3663

Bangalore, dated 23rd Feb. 1949.

From

23 FEB 1949
GOVT. OF MYSORE

The Secretary,
Mysore Legislature.

To

The Legal Remembrancer and Secretary to
Government, Law Department,
Bangalore.

LEGISLATION BRANCH
No.
Shi. T.V.
Date
GEN. & DIV. SECRETARIAT

Sir,

In continuation of this office letter No.3816/L.C., dated 15/16th February 1949, I am directed to forward the Mysore Employees' State Insurance Bill as passed by the Legislative Council on the 8th January 1949, as required by Standing Order No.45 of the Legislative Council Standing Orders.

Yours faithfully,

C. Abdul Nabi

Secretary,
Mysore Legislature.

Bs.

THE MYSORE EMPLOYEES' STATE INSURANCE BILL

A Bill to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

(As passed by the Legislative Council on 8th January 1949).

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent, commencement and application.

1. (1) This Act may be called the Mysore Employees' State Insurance Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, but different dates may be appointed for different provisions of this Act.

(4) It shall apply, in the first instance, to all factories (including factories belonging to the Government) other than seasonal factories.

(5) The Government may, in consultation with the Corporation after giving six months' notice of its intention of so doing by notification in the Official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

Definitions. **2.** In this Act, unless there is anything repugnant in the subject or context,—

(1) "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in the regulations;

(2) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(3) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act;

(4) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period as may be specified in the regulations;

(5) "Corporation" means the Mysore Employees' State Insurance Corporation set up under this Act;

(6) "duly appointed" means appointed in accordance with the provisions of this Act or with the rules and the regulations made thereunder;

(7) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1928 (XIV of 1928), if he were a workman within the meaning of the said Act;

(8) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(i) who is directly employed by the principal employer on any work of, or incidental or preliminary to, or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere;

(ii) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment ;

(iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service ;

but does not include—

(*a*) any member of His Majesty's Naval, Military or Air Forces or of the Mysore State Forces ; or

(*b*) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month ;

(9) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution ;

(10) " family " means the spouse and minor legitimate and adopted children, parents and parents-in-law dependent upon the insured person ;

(11) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Mysore Mines Act, 1906 (IV of 1906) ;

" seasonal factory " means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Mysore Factories Act, 1936 (I of 1936) ;

(12) " immediate employer ", in relation to employees employed by or through him, means a person who has

undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(13) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(14) "occupier" of the factory shall have the meaning assigned to it in the Mysore Factories Act, 1936 (I of 1936)

(15) "prescribed" means prescribed by rules made under this Act:

(16) "Principal employer" means—

(i) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (1) of section 9 of the Mysore Factories Act, 1936 (I of 1936), the person so named;

(ii) in any establishment under the control of any department of the Government, the authority appointed by the Government in this behalf or where no authority is so appointed, the head of the Department;

(iii) in any other establishment any person responsible for the supervision and control of the establishment;

(17) "regulation" means a regulation made by the Corporation;

(18) "Schedule" means a Schedule to this Act;

(19) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(20) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(21) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(*a*) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

(*b*) any travelling allowance or the value of any travelling concession;

(*c*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*d*) any gratuity payable on discharge;

(22) "week" means a period of seven days commencing at midnight on Saturday night;

(23) the expressions "dependant," "managing agent," "occupational disease," "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the meanings assigned to them in the Workmen's Compensation Act 1928, (XIV of 1928).

CHAPTER II.

Corporation Standing Committee and Medical Benefit Council.

Establishment of Employees' State Insurance Corporation.

3. (1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Mysore Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Mysore Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

Constitution of Corporation. 4. The Corporation shall consist of the following members, namely,—

(a) the Minister for Labour in the Government, *ex-officio*, as Chairman;

(b) the Minister for Health in the Government, *ex-officio*, as Vice-Chairman.

(c) not more than five persons to be nominated by the Government, of whom at least one shall be a woman and three officials of the Government;

(d) five persons representing employers to be nominated by the Government in consultation with such organisations of employers as may be recognised for the purpose by the Government;

(e) five persons, one at least of whom shall be a woman, representing employees to be nominated by the Government in consultation with such organisations of employees as may be recognised for the purpose by the Government;

(f) two persons representing the medical profession to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government; and

(g) two persons to be elected by the Mysore Legislature.

Term of office of members of the Corporation. 5. (1) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than the *ex-officio* members and members referred to in clause (c) of section 4, shall be four years commencing from the date on which their nomination or election is notified:

Provided that a member of the Corporation shall, notwithstanding the expiry of the said period of four years, continue to hold office until the nomination or election of of his successor is notified.

(2) The members of the Corporation referred to in clause (c) of section 4 shall hold office during the pleasure of the Government.

Eligiblity for re-nomination or re-election. 6. An outgoing member of the Corporation, Standing Committee, or the Medical Benefit Council shall be eligible for re-nomination or re-election as the case may be.

7. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised by it in this behalf.

Authentication of orders, decisions, etc.

8. A Standing Committee of the Corporation shall be constituted from among its members, consisting of—

Constitution of Standing Committee.

(*a*) a Chairman, nominated by the Government;

(*b*) three members of the Corporation nominated by it, one of whom shall be a woman and the other two officials of the Government;

(*c*) six members elected by the Corporation as follows:—

(i) two members from among the members of the Corporation representing employers;

(ii) two members from among the members of the Corporation representing employees;

(iii) one member from among the members of the Corporation representing the medical profession; and

(iv) one member from among the members of the Corporation elected by the Mysore Legislature.

9. (1) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (*a*) or clause (*b*) of section 8, shall be two years from the date on which his election is notified:

Term of office of members of Standing Committee.

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified:

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(2) A member of the Standing Committee referred to in clause (*a*) or clause (*b*) of section 8 shall hold office during the pleasure of the Government.

Medical Benefit Council.

10. (1) The Government shall constitute a Medical Benefit Council consisting of—

(*a*) the Senior Surgeon, *ex-officio*, as Chairman;

(*b*) the Director of Public Health, *ex-officio*;

(*c*) the Medical Commissioner of the Corporation, *ex-officio*;

(*d*) three members representing employers to be nominated by the Government in consultation with such organisation of employers as may be recognised for the purpose by the Government;

(*e*) three members representing employees to be nominated by the Government in consultation with such organisation of employees as may be recognised for the purpose by the Government; and

(*f*) three members, of whom one shall be a woman, representing the medical profession, to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government.

(2) Save as expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (*a*) to (*c*) of sub-section (1), shall be four years from the date on which his nomination is notified.

Filling of Vacancies.

11. (1) Vacancies in the office of nominated or elected members of the Corporation, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(2) A member of the Corporation, the Standing Committee or the Medical Benefit Council nominated or elected in a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

Resignation of Membership.

12. A member of the Corporation, Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Government and his seat shall fall vacant on the acceptance of the resignation by the Government.

Cessation of Membership.

13. A member of the Corporation, Standing Committee, or the Medical Benefit Council shall cease to be a

member of that body if he fails to attend three consecutive meetings thereof:

Provided that the Corporation, Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Government in this behalf, restore him to membership.

14. A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council— **Disqualification.**

(*a*) if he is declared to be of unsound mind by a competent court;

(*b*) if he is an undischarged insolvent;

(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a shareholder (not being a Director) of a company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment unless a period of ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

15. Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may, from time to time, be prescribed by the Government. **Fees and allowances.**

16. (1) The Government may, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely,— **Principal Officers.**

(*a*) a Commissioner of Employees' State Insurance;

(*b*) a Medical Commissioner;

(*c*) a Chief Accounts Officer; and

(*d*) an Actuary.

(2) The Commissioner shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work

unconnected with their office without the sanction of the Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for re-appointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Government.

(6) A person shall be disqualified from being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 14.

(7) The Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

Staff.

17. (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business, provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of two hundred and fifty rupees and above.

(2) The Corporation shall, with the approval of the Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of two hundred and fifty rupees and above shall be made with the approval of the Government:

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding six months.

Powers of the Standing Committee.

18. (1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such

cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

Corporation's power to promote measures for health, etc. of insured person.

19. The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

Meetings of Corporation, Standing Committee and Medical Benefit Council.

20. Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulation made in this behalf.

Supersession of the Corporation and Standing Committee.

21. (1) If in the opinion of the Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, it may, by notification in the Official Gazette, supersede the Corporation or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee:

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Corporation or the Standing Committee as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superceded a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Government may—

(a) immediately nominate, or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8;

(b) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation, and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislature at the earliest opportunity.

Duties of Medical Benefit Council.

22. The Medical Benefit Council shall—

(a) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters;

(b) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance; and

(c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

Duties of Principal Officers.

23. The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

Acts of Corporation, etc., not invalid by reason of informality, etc.

24. No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the

Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical benefit Council.

Regional Boards, Local Committees, Regional and Local Medical Benefit Councils.

25. The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and, delegate to them such powers and functions, as may be provided by the regulations.

CHAPTER III.

FINANCE AND AUDIT.

Mysore Employees' State Insurance Fund.

26. (1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Mysore Eploy ees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government, any local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into such treasury or bank, as may be approved by the Government, to an account styled the account of the Mysore Employees' State Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

Purposes for which the Fund may be expended.

27. Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Mysore Empleyees' State Insurance Fund shall be expended only for the following puroses, namely:—

(i) payment of benefits and provision of medical treatment and attendance to insured persons, and where

the medical benefit has been extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying the charges and costs in connection therewith ;

(ii) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils ;

(iii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratiuties and compossionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of officers and other services set up for the purpose of giving effect to the provisions of this Act ;

(iv) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons, and where the medical benefit has been extended to their families, their families ;

(v) payment of contributions to the Government, any local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit has been extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation ;

(vi) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities ;

(vii) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act ;

(viii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation, or the Standing Committee, or by any officer duly authorised by the Corporation or the Standing Committee in that behalf ;

(ix) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty, or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(x) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(xi) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons, and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and

(xii) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

28. (1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in, or have been acquired by it, and do all things necessary for the purposes for which the Corporation is established. Holding of property, etc.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time re-invest or realise such investment.

(3) The Corporation may, with the previous sanction of the Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

29. The Corporation may take loans from the Government for purposes of meeting the administrative expenses of the Corporation and discharge such loans in accordance with such rules as may be prescribed.

Vesting of the property in the Corporation.

30. All property acquired before the estabishment of of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

Expenditure by Government to be treated as a loan.

31. All expenditure incurred by the Government for, and in connection with, the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation such loan shall be discharged in such manner as may be prescribed.

Budget estimate.

32. The corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adeuate in the opinion of the Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

Accounts.

33. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

Audit.

34 (1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Government.

(2) Th auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

Annual report.

35. The Corporation shall submit to the Government an annual report of its work and activities.

36. The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislature and published in the official Gazette.

Budget, audited accounts and the annual report, to be placed before the Legislature.

37. The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Govertment:

Valuation of assets and liabilities.

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV.

CONTRIBUTIONS.

38. Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

All employees to be insured.

39. (1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

Contributions.

(2) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf.

(3) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(4) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in the regulations.

Principal employer to pay contributions in the first instance.

40. (1) The principal employer shall pay in respect of every employee whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor immediate employer shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

Recovery of contribution from immediate employer.

41. (1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through

him by deduction from wages and not otherwise, subject to the conditions specified in sub-section (2) of section 40.

Explanation.—For the purposes of sections 40 and 41, wages shall be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

42. (1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee. **General provisions as to payment of contributions.**

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed.

(3) Where wages are payable to an employee for a portion of the week the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution.

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), coutribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

43. subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act, and, without prejudice to the generality of the foregoing power, such regulations may provide for— **Method of payment of contribution.**

(a) the manner and time of payment of contributions;

(b) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed;

(c) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate: and

(d) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

Returns by employers.

44. Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in the regulations made in this behalf.

Inspectors, their functions and duties.

45. (1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any inspector appointed by the Corporation under sub-section (1) (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with,—

(a) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(b) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine, with respect to any matter relevant to the purposes aforesaid the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an employee.

(3) An inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS.

46. (1) Subject to the provisions of this Act, the insured persons, or, as the case may be, their dependants shall be entitled to the following benefits, namely,— Benefits.

(a) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit);

(b) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit);

(c) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit);

(d) periodical payments to such dependants of an insured person, who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(e) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(2) The Corporation may, at the request of the Government, and subject to such conditions as may be laid down

in the regulations, extend the medical benefits to the family of an insured person.

When person eligible for sickness benefit.

47. A person shall be qualified to claim sickness beenfit during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than two-thirds of the number of weeks during which he shall be deemed to have been available for employment within the meaning of section 48, subject to a minimum of twelve contributions ;

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

When person deemed available for employment.

48. A person shall always be deemed to have been available for employment in any week, execpt when during the whole of such week.—

(*a*) he was unable to work on account of sickness which had been duly certified whether entitling him to receive sickness benefit or not, or

(*b*) he was qualified to receive disablement benefit for temporary disablement, or

(*c*) in the case of an insured woman, she was entitled to the maternity benefit provided in section 50 or she would have been entitled to such benefit if she had fulfilled all other conditions entitling her thereto.

Sickness benefit.

49. Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance wfth section 47 shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness :

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sikness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid :

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of days for which he has already received the benefit makes up to a total of fifty-six days during any continuous period of three hundred and sixty-five days.

50. (1) An insured woman shall be qualified to claim maternity benefit for a confinement occurring in a benefit period if during the corresponding contribution period, weekly contributions, in respect of her were payable for not less than two-thirds of the number of weeks during which she shall be deemed to have been available for employment whithin the meaning of section 48 subject to a minimum of twelve contributions. Maternity benefit.

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(2) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (1) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

51. (1) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable— Disablement benefit.

(a) to a person who sustains temporary disablement, during the period of such disablement;

(b) to a person who sustains permanent partial disablement, during his life;

(c) to a person who sustains permanent total disablement, during his life; and

(d) to a person, in all cases of disablement not falling under sub-clauses (a), (b) or (c) of this sub-section, as may be provided in the regulations.

(2) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

52. Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependant's benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule. Dependants' benefit.

Disablement and dependants' benefits.

53. Where an insured person is, or his dependants are, entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1928 (XIV of 1928), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely :—

(i) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act, but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1923 (XIV of 1928), from the Corporation and not from the employer or other person.

(ii) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(iii) In case the insured person does not leave him surviving any widow or children as mentioned in clause (ii) or in the case of an insured woman if she does not leave her surviving any children as mentioned in clause (*ii*) dependants' benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act 1923 (XIV of 1928).

(iv) The amount of dependants' benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the insured person as benefit on permanent total disablement.

(v) Save as modified by this Act, the obligations and liabilites imposed on an employer by the Workmen's Compensation Act, 1928 (XIV of 1928), shall continue to apply to him.

54. All medical examinations and treatment referred to in the Workmen's Compensation Act, 1928 (XIV of 1928), shall for the purposes of this Act, be carried out by duly appointed medical practitioners. Medical examination.

55. (1) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), on the application of— Review of benefits.

(*a*) an Insurance Officer of the Corporation, or

(*b*) the person receiving the benefit, and such application shall be accompanied by a certificate of a duly appointed medical officer :

Provided that such application may be made without such certificate in such circumstances as may be specified in the regulations made in this behalf.

(2) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

56. (1) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit. Medical benefit.

(2) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution, or by visits to the home of the insured person, or treatment as in-patient in a hospital or other institution.

(3) A person shall be entitled to medical benefit during any week for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or as provided under the regulations, is in receipt of disablement benefit :

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations.

57. (1) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and of such scale as may be provided by the Government or by Scale of medical benefit.

the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(2) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by the regulations.

Provision of medical treatment by Government.

58. (1) The Government shall provide for insured persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment (as out-patient or in-patient as the circumstances of the case may require) at dispensaries, hospitals or other institutions:

Provided that the Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(2) The Corporation may enter into an agreement with the Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, midicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insused persons between the Corporation and the Government.

(3) In default of agreement between the Corporation and the Government as aforesaid the nature and extent of the medical treatment to be provided by the Government and the proportion in which the cost thereof shall be shared between the Corporation and the Government shall be determined by an arbitrator (who shall be or shall have been a judge of the High Court) appointed by the Chief Juctice and the award of the arbitrator shall be binding on the Corporation and the Goverment.

Establishment and maintenance of hospitals, etc., by Corporation.

59. (1) The Corporation may, with the approval of the Government, establish and maintain such hospitals, dispensaries and other medical and surgical services as it

may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(2) The Corporation may enter into agreement with any provincial Government in India, local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL.

60. (1) The right to receive any payment of any benefit under this Act shall not be transferable or assignable save in accordance with the provisions of this Act or the rules thereunder. Benefit not assignable or attachable.

(2) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment. Bar of benefits under other enactments.

62. Save as may be provided in the regulations, no person shall be entitled to commute for a lumpsum any periodical payment admissible under this Act. Persons not to commute cash benefits.

63. No person shall be entitled to sickness benefit, or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages. Persons not entitled to receive benefits in certain cases.

64. A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)— Beneficiaries to observe conditions.

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(c) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and

(d) shall allow himself to be examined by any duly appointed medical officer or health visitor or other person authorised by the corporation in this behalf.

Benefits not to be combined.

(65) (1) An insured person shall not be entitled to receive for the same period—

(a) both sickness benefit and maternity benefit; or

(b) both sickness benefit and disablement benefit for temporary disablement; or

(c) both maternity benefit and disablement benefit for temporary disablement.

(2) Where a person is entitled to more than one of the benefits mentioned in sub-section (1), he shall be entitled to choose which benefit he shall receive.

Corporation's right to recover damages from employer in certain cases.

66. (1) Where any employment injury is sustained by an insured person as an employee under this Act by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or establishment, or by reason of any wrongful act of the employer or his agent, the Corporation shall notwithstanding the fact that the employer has paid the weekly contributions due under this Act in respect of such insured person be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1928 (XIV of 1928), the actuarial present value of the periodical payments which the Corporation is liable to make under this Act.

(2) For the purposes of this Act, the actuarial present value of the periodical payments shall be determined in sach manner as may be specified in the regulations.

Corporation's right to be indemnified in certain cases.

67. Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability in some person other than

the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable:

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the employee sustaining the employment injury as an employee under this Act, except in cases covered by section 66.

Corporation's rights where a principal employer fails or neglects to pay any contribution.

68. (1) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Corporation shall be entitled to recover from the principal employer either—

(i) the difference between the amount of benefit which is paid to the said person and the amount of the benefit which would be payable on the basis of the contributions which should have been paid by the employer; or

(ii) twice the amount of the contribution which the employer failed or neglected to pay;

whichever is greater.

(2) The amount recoverable under this section may be recovered as if it were an arrear of land revenue.

Liability of owner or occupier of factories, etc., for excessive sickness benefit.

69. (1) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reason of—

(i) insanitary working conditions in a factory or establishment, or the neglect of the owner or occupier of the factory or establishment to observe any health regulations enjoined on him by or under any enactment, or

(ii) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary conditions are attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment,

the Corporation may send to the owner or occupier of the factory or establishment, or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the Government.

(2) If the Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter.

(3) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or establishment, or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil court.

(5) For the pursoses of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

Repayment of benefit improperly received

70. (1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land revenue.

71. If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person. Benefit payable up to and including day of death.

72. No employer by reason only of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or except as provided by the regulations, discontinue or reduce benefits payable to him under the conditions or his service which are similar to the benefits conferred by this Act. Employer not to reduce wages, etc.

73. (1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement, or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations as arising out of the pregnancy or confinement rendering the employee unfit for work. Employer not to dismiss or punish employee during period of sikness, etc.

(2) No notice of dismissal or discharge or reduction given to an employee during the period spicified in sub-section (1) shall be valid or operative.

CHAPTER VI.

Adjudication of Disputes and Claims.

74. (1) The Government shall, by notification in the official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification. Constitution of Employees' Insurance Court.

(2) The Court shall consist of such number of judges as the Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a judge of the Employees' Insurance Court.

(4) The Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(5) Where more than one Court has been appointed for the same local area, the Government may by general or special order regulate the distribution of business between them.

Matters to be decided by Employees' Insurance Court.

75. (1) If any question or dispute arises as to—

(*a*) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(*b*) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(*c*) the rate of contribution payable by a principal employer in respect of any employee, or

(*d*) the person who is or was the principal employer in respect of any employee, or

(*e*) the right of any person to any benefit and as to the amount and duration thereof, or

(*f*) the actuarial present value of the periodical payments referred to in section 66, or.

(*g*) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation, or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act,

such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Employees' Insurance Court, namely:—

(*a*) claim for the recovery of contributions from the principal employer;

(*b*) claim by a principal employer to recover contributions from any immediate employer;

(*c*) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(*d*) claim against the principal employer under section 68;

(*e*) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(*f*) any claim for the recovery of any benefit admissible under this Act.

(3) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

Institution of proceedings, etc.

76. (1) Subject to the provisions of this Act and any rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) the Court to which any matter is transferred under sub-section (2) shall continue the proceedings as if they had been originally instituted in it.

Commencement of proceedings.

77. (1) The proceedings before an Employees' Insurance Court shall be commenced by application.

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Government in consultation with the Corporation.

Powers of Employees' Insurance Court.

78. (1) The Employees' Insurance Court shall have all the powers of a civil court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence; and such Court shall be deemed to be a civil court within the meaning of section 195 and Chapter

XXXV of the Code of Criminal Procedure, 1904 (II of 1904).

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the Government, be in the discretion of the Court.

(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil court.

Appearance by legal practitioners, etc.

79. Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of person required for the purpose of his examination as a witness) may be made or done by a legal practitioner, or by an officer of an association registered under the Mysore Labour Act, 1942, authorised in writing by such person, or, with the permission of the Court, by any other person so authorised.

Benefit not admissible unless claimed in time.

80. An Employees' Insurance Court shall not direct the payment of any benefit, to a person unless he has made a claim for such benefit, in accordance with the regulations made in that behalf, within twelve months after the claim became due :

Provided that if the Court is satisfied that there was reasonable cause for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefit as if the claim had been made in time.

Reference to High Court.

81. An Employees' Insurance Court may submit any question of law for the decision of the High Court, and, if it does so, shall decide the question pending before it in accordance with such decision.

Appeal.

82. (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order an of Employees' Insurance Court if it involves a sub-

stantial question of law or if the value of the subject matter in dispute exceeds five hundred rupees.

(3) The period of limitation for an appeal under this section shall be sixty days.

(4) The provisions of sections 5 and 12 of the Mysore Limitation Act, 1911 (IV of 1911), shall apply to appeals under this section.

Stay of payment pending appeal.

83. Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII.

PENALTIES.

Punishment for false statement.

84. Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorised by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes, or causes to be made, any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both.

Punishment for failure to pay contributions, etc.

85. If any person—

(*a*) fails to pay any contribution which under this Act he is liable to pay, or

(*b*) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(*c*) reduces the wages or any privileges or benefits admissible to an employee in contravention of section 72, or

(*d*) dismisses, discharges, reduces or otherwise punishes an employee in contravention of section 73 or any regulation, or

(*e*) fails or refuses to submit any return required by the regulations or makes a false return, or

(*f*) obstructs any inspector or other official of the Corporation in the discharge of his duties, or

(*g*) is guilty of any contravention of, or non-compliance with, any of the requirements of this Act or the rules or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Prosecutions

86. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Commissioner of Employees' State Insurance.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

Exemption of a Factory or establishment or class of factories or establishments.

87. The Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment, or class of factories or establishments, in any specified area from the operation of this Act for a period not exceeding one year and may, from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

Exemption of persons or class of persons.

88. The Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons employed in any factory or establishment, or class of factories or establishments, to which this Act applies from the operation of the Act.

Corporation to make representation.

89. No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity

has been given to the corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

Exemption of factories or establishments belonging to Government or any local authority.

90. The Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the Government or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

Exemption from one or more provisions of the Act.

91. The Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment, or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

Corporation officers and servants to be public servants.

92. All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Contributions, etc., due to Corporation to have priority over other debts.

93. There shall be deemed to be included among the debts which, under section 61 of the Mysore Insolvency Act, 1925 (XI of 1925), or under section 230 of the Mysore Companies Act, 1938 (XVII of 1938), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

Power of Government to make rules.

94. (1) The Government may, subject to the condition of previous publication, make rules not inconsistent with this Act for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which nominations and elections of members of the Corporation, Standing Committee

and Medical Benefit Council shall be made and the qualification for such membership;

(b) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year;

(c) the records to be kept of the transaction of business by the Corporation, Standing Committee and the Medical Benefit Council;

(d) the powers and duties of the Principal Officers and the conditions of their service;

(e) the powers and duties of the Medical Benefit Council;

(f) the procedure to be adopted in the execution of contracts;

(g) the acquisition, holding and disposal of property by the Corporation;

(h) the raising and repayment of loans;

(i) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;

(j) the basis on which the periodica valuation of the assets and liabilities of the Corporation shall be made;

(k) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised;

(l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(n) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(o) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation;

(p) any other matter in regard to the incorporation, regulation and winding up of the Corporation required or allowed by this Act to be prescribed by the Government;

(q) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges;

(r) the procedure to be followed in proceedings before such courts and the execution of orders made by such courts;

(s) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications;

(t) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution;

(u) the scale of medical benefit which shall be provided at any such hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;

(v) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;

(w) the conditions of service of the staff employed at such hospitals, dispensaries and institutions; and

(x) any other matter which is required or allowed by this Act to be prescribed by the Government.

(3) Rules made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

Power of Corporation to make regulations.

95. (1) The Corporation may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings;

(ii) the matters which shall be referred by the Standing Committee to the Corporation for decision;

(iii) the manner in which any contribution payable under this Act shall be assessed and collected;

(iv) reckoning of wages for the purposes of fixing the contribution payable under this Act;

(v) the certification of sickness and eligibility for any cash benefit;

(vi) the method of determining the actuarial present value of periodical payments;

(vii) the assessing of the money value of any benefit which is not a cash benefit;

(viii) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim;

(ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;

(x) the manner in which and the place and time at which any benefit shall be paid;

(xi) the method of calculating the amount of cash benefit payable to an employee and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value;

(xii) the notice of pregnancy or of confinement and notice and proof of sickness;

(xiii) the conditions under which any benefit may be suspended;

(xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;

(xv) the visiting of sick persons by health visitors;

(xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates;

(xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees;

(xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed the extent of such relaxation, and the authority by whom such relaxation may be granted;

(xix) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns:

(xx) the duties and powers of inspectors and other officers and servants of the Corporation;

(xxi) the conditions of service of the officers and servants of the corporation other than the Principal Officers;

(xxii) the procedure to be followed in remitting contributions to the Corporation; and

(xxiii) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

96. At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons. Enhancement of benefits.

SCHEDULE I.

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages

2. The average daily wages shall be—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*b*) in respect of an employee employed on weekly wages, the amount earned in the week divided by the number of days worked (reckoned in terms of full working days);

(*c*) in respect of an employee employed on monthly wages, the amount earned in the month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days);

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight;

(*g*) in respect of an employee who does not fall under clauses (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by the regulations, pay, salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE.

Group of employees	Employees' contribution (recoverable from employees)	Employer's contribution	Total contribution (emplyoees' and employers' contribution)
1	2	3	4
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Emplyees whose average daily wages are below Re. 1.	Nil.	0 6 0	0 6 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	0 4 0	0 8 0	0 12 0
4. Employees whose avarage daily wages are Rs. 2 and above, but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II.

(*See* sections 49, 51, 52 and 53).

Sickness Benefit and Disablement and Dependants' Benefits.

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE.

Group of employees	Average assumed daily wages
1	2
	Rs. a. p.
1. Employees whose average daily wages are below Re. 1 ...	0 14 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	1 4 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	1 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2 8 0
5. Employees whose average daily wages are Rs, 3 and above but below Rs. 4.	3 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	5 0 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7 0 0
8. Employees whose average daily wages are Rs. 8 and abvove ...	10 0 0

2. The daily rate of sickness benefit during any benefit period shall be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was not deemed to have been not available for employment within the meaning of section 48: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1-4-0 a day for 10 weeks, Rs. 1-12-0 a day for 10 weeks and Rs. 2-8-0 a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be :—

$$\frac{10 \times 20 + 10 \times 28 + 6 \times 40}{26} = 27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas, rounded to the next higher anna, namely, 14 annas.

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs. 1/4/- for the 12 weeks, the average of the assumed daily wages for purpose of the rate of sickness benefit will be :—

$$\frac{12\times20}{(26-14)}=20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was emplayed as an employee for only 20 weeks (he, having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being Rs. 1-12-0 for 20 weeks, the average of the daily wages for the purpose of the rate of sickness benefit will be :—

$$\frac{20\times28}{(26-4)}=25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas rounded to the next higher anna, namely, 13 annas.

3. Disablement and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20\times14+20\times20+12\times28}{52}=19\frac{28}{52} \text{ annas.}$$

The disablement or dependants' benefit will then be $9\frac{20}{26}$ annas, rounded to the next higher anna namely, 10 annas a day.

Example 2.—If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily

wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20\times 14+14\times 20}{34}=16\frac{16}{34}\text{ annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$ annas, rounded to the next higher anna, namely, 9 annas a day.

The disablement or dependants' benefit calculated as aforesaid shall be called the full rate.

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows :—

(i) to the insured person—

(*a*) for temporary disablement during the period of such disablement at the full rate ;

(*b*) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1928 (XIV of 1928), for life ;

(*c*) for permanent total disablement at the full rate for life ;

(*d*) in cases of disablement not covered by clauses (*a*), (*b*) and (*c*) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows :—

(*a*) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows ;

(*b*) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age ;

(*c*) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier ;

Provided that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation :

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependant's benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), shall be payable as follows :—

(a) to a parent or grand parent, for life ;

(b) to any other male dependant, until he attains fifteen years of age ;

(c) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

H. B. [signature]

PRESIDENT,
Legislative Council

CSR

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 8007 / Leg. 83-48 / **Bangalore, Dated,** 10th March 1949

Ordered that the accompanying Mysore Employees' State Insurance Act, 1949

~~with~~ which received the assent of His Highness the Maharaja on the 2nd day of March 1949, be published as Act No. XXXVI of 1949, in the *Mysore Gazette* for general information.

for Legal Remembrancer and
Secretary to Government,
Law Department.

To

Ex. The Compiler, *Mysore Gazette* for publication in ~~Part IV~~ Gazette Extraordinary ~~of the Gazette, in English and Kannada~~ and for supply of spare copies in English and Kannada, as per standing orders.

Copy to Translation Section

THE MYSORE EMPLOYEES' STATE INSURANCE ~~BILL~~ Act, 1949

Arrangements of ~~Clauses~~. Sections

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....

(Received the assent of His Highness the Maharaja on the . . day of February, 1949)

THE MYSORE EMPLOYEES' STATE INSURANCE ~~BILL~~ Act, 1949.

An Act ~~A Bill~~ to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

~~(As passed by the Legislative Council on 8th January 1949)~~.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent, commencement and application.

1. (1) This Act may be called the Mysore Employees' State Insurance Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, but different dates may be appointed for different provisions of this Act.

(4) It shall apply, in the first instance, to all factories (including factories belonging to the Government) other than seasonal factories.

(5) The Government may, in consultation with the Corporation after giving six months' notice of its intention of so doing by notification in the Official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

Definitions. **2. In this Act, unless there is anything repugnant in the subject or context,—**

(1) "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in the regulations;

(2) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(3) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act;

(4) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period as may be specified in the regulations;

(5) "Corporation" means the Mysore Employees' State Insurance Corporation set up under this Act;

(6) "duly appointed" means appointed in accordance with the provisions of this Act or with the rules and the regulations made thereunder;

(7) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1923 (XIV of 1923), if he were a workman within the meaning of the said Act;

(8) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(i) who is directly employed by the principal employer on any work of, or incidental or preliminary to, or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere;

(ii) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment;

(iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

but does not include—

(*a*) any member of His Majesty's Naval, Military or Air Forces or of the Mysore State Forces; or

(*b*) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month;

(9) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution;

(10) "family" means the spouse and minor legitimate and adopted children, parents and parents-in-law dependent upon the insured person;

(11) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Mysore Mines Act, 1906 (IV of 1906);

"seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Mysore Factories Act, 1936 (I of 1936);

(12) "immediate employer", in relation to employees employed by or through him, means a person who has

undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(13) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(14) "occupier" of the factory shall have the meaning assigned to it in the Mysore Factories Act, 1936 (I of 1936)

(15) "prescribed" means prescribed by rules made under this Act:

(16) "Principal employer" means—

(i) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (1) of section 9 of the Mysore Factories Act, 1936 (I of 1936), the person so named;

(ii) in any establishment under the control of any department of the Government, the authority appointed by the Government in this behalf or where no authority is so appointed, the head of the Department;

(iii) in any other establishment any person responsible for the supervision and control of the establishment;

(17) "regulation" means a regulation made by the Corporation;

(18) "Schedule" means a Schedule to this Act;

(19) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(20) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(21) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(a) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

(b) any travelling allowance or the value of any travelling concession;

(c) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(d) any gratuity payable on discharge;

(22) "week" means a period of seven days commencing at midnight on Saturday night;

(23) the expressions "dependant," "managing agent," "occupational disease," "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the meanings assigned to them in the Workmen's Compensation Act 1928, (XIV of 1928).

CHAPTER II.

Corporation Standing Committee and Medical Benefit Council.

Establishment of Employees' State Insurance Corporation.

3. (1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Mysore Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Mysore Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

Constitution of Corporation.

4. The Corporation shall consist of the following members, namely,—

(*a*) the Minister for Labour in the Government, *ex-officio*, as Chairman;

(*b*) the Minister for Health in the Government, *ex-officio*, as Vice-Chairman;

(*c*) not more than five persons to be nominated by the Government, of whom at least one shall be a woman and three officials of the Government;

(*d*) five persons representing employers to be nominated by the Government in consultation with such organisations of employers as may be recognised for the purpose by the Government;

(*e*) five persons, one at least of whom shall be a woman, representing employees to be nominated by the Government in consultation with such organisations of employees as may be recognised for the purpose by the Government;

(*f*) two persons representing the medical profession to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government; and

(*g*) two persons to be elected by the Mysore Legislature.

Term of office of members of the Corporation.

5. (1) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than the *ex-officio* members and members referred to in clause (*c*) of section 4, shall be four years commencing from the date on which their nomination or election is notified:

Provided that a member of the Corporation shall, notwithstanding the expiry of the said period of four years, continue to hold office until the nomination or election of of his successor is notified.

(2) The members of the Corporation referred to in clause (*c*) of section 4 shall hold office during the pleasure of the Government.

Eligiblity for re-nomination or re-election.

6. An outgoing member of the Corporation, Standing Committee, or the Medical Benefit Council shall be eligible for re-nomination or re-election as the case may be.

Authentication of orders, decisions, etc.

7. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised by it in this behalf.

Constitution of Standing Committee.

8. A Standing Committee of the Corporation shall be constituted from among its members, consisting of—

(*a*) a Chairman, nominated by the Government;

(*b*) three members of the Corporation nominated by it, one of whom shall be a woman and the other two officials of the Government;

(*c*) six members elected by the Corporation as follows:—

(i) two members from among the members of the Corporation representing employers;

(ii) two members from among the members of the Corporation representing employees;

(iii) one member from among the members of the Corporation representing the medical profession; and

(iv) one member from among the members of the Corporation elected by the Mysore Legislature.

Term of office of members of Standing Committee.

9. (1) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (*a*) or clause (*b*) of section 8, shall be two years from the date on which his election is notified:

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified:

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(2) A member of the Standing Committee referred to in clause (*a*) or clause (*b*) of section 8 shall hold office during the pleasure of the Government.

Medical Benefit Council.

10. (1) The Government shall constitute a Medical Benefit Council consisting of—

(*a*) the Senior Surgeon, *ex-officio*, as Chairman;

(*b*) the Director of Public Health, *ex-officio*;

(*c*) the Medical Commissioner of the Corporation, *ex-officio*;

(*d*) three members representing employers to be nominated by the Government in consultation with such organisation of employers as may be recognised for the purpose by the Government;

(*e*) three members representing employees to be nominated by the Government in consultation with such organisation of employees as may be recognised for the purpose by the Government; and

(*f*) three members, of whom one shall be a woman, representing the medical profession, to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government.

(2) Save as expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (*a*) to (*c*) of sub-section (1), shall be four years from the date on which his nomination is notified.

Filling of vacancies.

11. (1) Vacancies in the office of nominated or elected members of the Corporation, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(2) A member of the Corporation, the Standing Committee or the Medical Benefit Council nominated or elected in a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

Resignation of Membership.

12. A member of the Corporation, Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Government and his seat shall fall vacant on the acceptance of the resignation by the Government.

Cessation of Membership.

13. A member of the Corporation, Standing Committee, or the Medical Benefit Council shall cease to be a

member of that body if he fails to attend three consecutive meetings thereof:

Provided that the Corporation, Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Government in this behalf, restore him to membership.

Disqualification.

14. A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council—

(*a*) if he is declared to be of unsound mind by a competent court;

(*b*) if he is an undischarged insolvent;

(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a shareholder (not being a Director) of a company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment unless a period of ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

Fees and allowances.

15. Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may, from time to time, be prescribed by the Government.

Principal Officers.

16. (1) The Government may, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely,—

(*a*) a Commissioner of Employees' State Insurance;

(*b*) a Medical Commissioner;

(*c*) a Chief Accounts Officer; and

(*d*) an Actuary.

(2) The Commissioner shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work

unconnected with their office without the sanction of the Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for re-appointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Government.

(6) A person shall be disqualified from being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 14.

(7) The Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

Staff.

17. (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business, provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of two hundred and fifty rupees and above.

(2) The Corporation shall, with the approval of the Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of two hundred and fifty rupees and above shall be made with the approval of the Government:

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding six months.

Powers of the Standing Committee.

18. (1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such

cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

Corporation's power to promote measures for health, etc. of insured person

19. The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

Meetings of Corporation, Standing Committee and Medical Benefit Council.

20. Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulation made in this behalf.

Supersession of the Corporation and Standing Committee.

21. (1) If in the opinion of the Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, it may, by notification in the Official Gazette, supersede the Corporation or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Government may—

(a) immediately nominate, or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8;

(b) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation, and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislature at the earliest opportunity.

Duties of Medical Benefit Council.

22. The Medical Benefit Council shall—

(a) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters;

(b) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance; and

(c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

Duties of Principal Officers.

23. The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

Acts of Corporation, etc., not invalid by reason of informality, etc.

24. No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the

Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical benefit Council.

Regional Boards, Local Committees, Regional and Local Medical Benefit Councils.

25. The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions, as may be provided by the regulations.

CHAPTER III.

FINANCE AND AUDIT.

Mysore Employees' State Insurance Fund.

26. (1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Mysore Eployees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government, any local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into such treasury or bank, as may be approved by the Government, to an account styled the account of the Mysore Employees' State Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

Purposes for which the Fund may be expended.

27. Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Mysore Empleyees' State Insurance Fund shall be expended only for the following puroses, namely:—

(i) payment of benefits and provision of medical treatment and attendance to insured persons, and where

the medical benefit has been extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying the charges and costs in connection therewith;

(ii) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils;

(iii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act;

(iv) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons, and where the medical benefit has been extended to their families, their families;

(v) payment of contributions to the Government, any local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit has been extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation;

(vi) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(vii) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act;

(viii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation, or the Standing Committee, or by any officer duly authorised by the Corporation or the Standing Committee in that behalf;

(ix) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty, or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(x) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(xi) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons, and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and

(xii) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

Holding of property, etc.

28. (1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in, or have been acquired by it, and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time re-invest or realise such investment.

(3) The Corporation may, with the previous sanction of the Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

29. The Corporation may take loans from the Government for purposes of meeting the administrative expenses of the Corporation and discharge such loans in accordance with such rules as may be prescribed.

Vesting of the property in the Corporation.

30. All property acquired before the estabishment of of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

Expenditure by Government to be treated as a loan.

31. All expenditure incurred by the Government for, and in connection with, the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation and such loan shall be discharged in such manner as may be prescribed.

Budget estimate.

32. The Corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

Accounts.

33. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

Audit.

34 (1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Government.

(2) Th auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

Annual report.

35. The Corporation shall submit to the Government an annual report of its work and activities.

36. The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislature and published in the official Gazette.

Budget, audited accounts and the annual report to be placed before the Legislature.

37. The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Govertment:

Valuation of assets and liabilities.

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV.

CONTRIBUTIONS.

38. Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

All employees to be insured.

39. (1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

Contributions.

(2) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf.

(3) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(4) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in the regulations.

Principal employer to pay contributions in the first instance.

40. (1) The principal employer shall pay in respect of every employee whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor immediate employer shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

Recovery of contribution from immediate employer.

41. (1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through

him by deduction from wages and not otherwise, subject to the conditions specified in sub-section (2) of section 40.

Explanation.—For the purposes of sections 40 and 41, wages shall be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

General provisions as to payment of contributions.

42. (1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee.

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed.

(3) Where wages are payable to an employee for a portion of the week, the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution.

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), contribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

Method of payment of contributions.

43. subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act, and, without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the manner and time of payment of contributions;

(b) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed;

(c) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate: and

(d) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

Returns by employers.

44. Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in the regulations made in this behalf.

Inspectors, their functions and duties.

45. (1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any inspector appointed by the Corporation under sub-section (1) (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with,—

(a) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(b) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

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(c) examine, with respect to any matter relevant to the purposes aforesaid the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an employee.

(3) An inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS.

46. (1) Subject to the provisions of this Act, the insured persons, or, as the case may be, their dependants shall be entitled to the following benefits, namely,— Benefits.

(a) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit);

(b) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit);

(c) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit);

(d) periodical payments to such dependants of an insured person, who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(e) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(2) The Corporation may, at the request of the Government, and subject to such conditions as may be laid down

in the regulations, extend the medical benefits to the family of an insured person.

When person eligible for sickness benefit.

47. A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than two-thirds of the number of weeks during which he shall be deemed to have been available for employment within the meaning of section 48, subject to a minimum of twelve contributions;

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

When person deemed available for employment.

48. A person shall always be deemed to have been available for employment in any week, except when during the whole of such week.—

(a) he was unable to work on account of sickness which had been duly certified whether entitling him to receive sickness benefit or not, or

(b) he was qualified to receive disablement benefit for temporary disablement, or

(c) in the case of an insured woman, she was entitled to the maternity benefit provided in section 50 or she would have been entitled to such benefit if she had fulfilled all other conditions entitling her thereto.

Sickness benefit.

49. Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance with section 47 shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness:

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sikness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid:

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of days for which he has already received the benefit makes up to a total of fifty-six days during any continuous period of three hundred and sixty-five days.

50. (1) An insured woman shall be qualified to claim maternity benefit for a confinement occurring in a benefit period if during the corresponding contribution period, weekly contributions, in respect of her were payable for not less than two-thirds of the number of weeks during which she shall be deemed to have been available for employment whithin the meaning of section 48 subject to a minimum of twelve contributions. **Maternity benefit.**

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(2) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (1) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

51. (1) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable— **Disablement benefit.**

(*a*) to a person who sustains temporary disablement, during the period of such disablement;

(*b*) to a person who sustains permanent partial disablement, during his life;

(*c*) to a person who sustains permanent total disablement, during his life; and

(*d*) to a person, in all cases of disablement not falling under sub-clauses (*a*), (*b*) or (*c*) of this sub-section, as may be provided in the regulations.

(2) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

52. Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependant's benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule. **Dependants' benefit.**

Disablement and dependants' benefits.

53. Where an insured person is, or his dependants are, entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1928 (XIV of 1928), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely:—

(i) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act, but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1923 (XIV of 1928), from the Corporation and not from the employer or other person.

(ii) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(iii) In case the insured person does not leave him surviving any widow or children as mentioned in clause (ii) or in the case of an insured woman if she does not leave her surviving any children as mentioned in clause (*ii*) dependants' benefit shall be paid to the other dependants of the deceased at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act 1928 (XIV of 1928).

(iv) The amount of dependants' benefit payable under clause (*iii*) shall not exceed one-half of the amount which would have been payable to the insured person as benefit on permanent total disablement.

(v) Save as modified by this Act, the obligations and liabilites imposed on an employer by the Workmen's Compensation Act, 1928 (XIV of 1928), shall continue to apply to him.

54. All medical examinations and treatment referred to in the Workmen's Compensation Act, 1928 (XIV of 1928), shall for the purposes of this Act, be carried out by duly appointed medical practitioners. *Medical examination.*

55. (1) Any payment of disablement benefit may be reviewed by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), on the application of— *Review of benefits.*

(a) an Insurance Officer of the Corporation, or

(b) the person receiving the benefit, and such application shall be accompanied by a certificate of a duly appointed medical officer :

Provided that such application may be made without such certificate in such circumstances as may be specified in the regulations made in this behalf.

(2) Subject to the provisions of this Act, the Commissioner may, on such review as aforesaid, direct that the disablement benefit be continued, increased, reduced or discontinued.

56. (1) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit. *Medical benefit.*

(2) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution, or by visits to the home of the insured person, or treatment as in-patient in a hospital or other institution.

(3) A person shall be entitled to medical benefit during any week for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit or as provided under the regulations, is in receipt of disablement benefit :

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations.

57. (1) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and of such scale as may be provided by the Government or by *Scale of medical benefit.*

the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(2) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by the regulations.

Provision of medical treatment by Government.

58. (1) The Government shall provide for insured persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment (as out-patient or in-patient as the circumstances of the case may require) at dispensaries, hospitals or other institutions:

Provided that the Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(2) The Corporation may enter into an agreement with the Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, midicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insused persons between the Corporation and the Government.

(3) In default of agreement between the Corporation and the Government as aforesaid the nature and extent of the medical treatment to be provided by the Government and the proportion in which the cost thereof shall be shared between the Corporation and the Government shall be determined by an arbitrator (who shall be or shall have been a judge of the High Court) appointed by the Chief Juctice and the award of the arbitrator shall be binding on the Corporation and the Goverment.

Establishment and maintenance of hospitals, etc., by Corporation.

59. (1) The Corporation may, with the approval of the Government, establish and maintain such hospitals, dispensaries and other medical and surgical services as it

may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(2) The Corporation may enter into agreement with any provincial Government in India, local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL.

60. (1) The right to receive any payment of any benefit under this Act shall not be transferable or assignable save in accordance with the provisions of this Act or the rules thereunder. *Benefit not assignable or attachable.*

(2) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment. *Bar of benefits under other enactments.*

62. Save as may be provided in the regulations, no person shall be entitled to commute for a lumpsum any periodical payment admissible under this Act. *Persons not to commute cash benefits.*

63. No person shall be entitled to sickness benefit, or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages. *Persons not entitled to receive benefits in certain cases.*

64. A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)— *Beneficiaries to observe conditions.*

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(c) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and

(d) shall allow himself to be examined by any duly appointed medical officer or health visitor or other person authorised by the corporation in this behalf.

Benefits not to be combined.

(65) (1) An insured person shall not be entitled to receive for the same period—

(a) both sickness benefit and maternity benefit; or

(b) both sickness benefit and disablement benefit for temporary disablement; or

(c) both maternity benefit and disablement benefit for temporary disablement.

(2) Where a person is entitled to more than one of the benefits mentioned in sub-section (1), he shall be entitled to choose which benefit he shall receive.

Corporation's right to recover damages from employer in certain cases.

66. (1) Where any employment injury is sustained by an insured person as an employee under this Act by reason of the negligence of the employer to observe any of the safety rules laid down by or under any enactment applicable to a factory or establishment, or by reason of any wrongful act of the employer or his agent, the Corporation shall notwithstanding the fact that the employer has paid the weekly contributions due under this Act in respect of such insured person be entitled to be reimbursed by the employer or the principal who is liable to pay compensation under section 12 of the Workmen's Compensation Act, 1928 (XIV of 1928), the actuarial present value of the periodical payments which the Corporation is liable to make under this Act.

(2) For the purposes of this Act, the actuarial present value of the periodical payments shall be determined in such manner as may be specified in the regulations.

Corporation's right to be indemnified in certain cases.

67. Where an insured person is entitled to receive or to recover (but has not received or recovered), whether from his employer or any other person, compensation or damages under any law for the time being in force in respect of any employment injury caused under circumstances creating a legal liability in some person other than

the employer or his agent, the Corporation shall be entitled to be indemnified by the person so liable:

Provided that the Corporation shall not be entitled to be indemnified by an employer who has paid contributions in respect of the employee sustaining the employment injury as an employee under this Act, except in cases covered by section 66.

Corporation's rights where a principal employer fails or neglects to pay any contribution.

68. (1) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Corporation shall be entitled to recover from the principal employer either—

(i) the difference between the amount of benefit which is paid to the said person and the amount of the benefit which would be payable on the basis of the contributions which should have been paid by the employer; or

(ii) twice the amount of the contribution which the employer failed or neglected to pay;

whichever is greater.

(2) The amount recoverable under this section may be recovered as if it were an arrear of land revenue.

Liability of owner or occupier of factories, etc., for excessive sickness benefit.

69. (1) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reason of—

(i) insanitary working conditions in a factory or establishment, or the neglect of the owner or occupier of the factory or establishment to observe any health regulations enjoined on him by or under any enactment, or

(ii) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary conditions are attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactment.

the Corporation may send to the owner or occupier of the factory or establishment, or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the Government.

(2) If the Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter.

(3) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or establishment, or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil court.

(5) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

Repayment of benefit improperly received

70. (1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land revenue.

Benefit payable up to and including day of death.

71. If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

Employer not to reduce wages, etc.

72. No employer by reason only of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or except as provided by the regulations, discontinue or reduce benefits payable to him under the conditions or his service which are similar to the benefits conferred by this Act.

Employer not to dismiss or punish employee during period of sikness, etc.

73. (1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement, or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations as arising out of the pregnancy or confinement rendering the employee unfit for work.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

CHAPTER VI.

Adjudication of Disputes and Claims.

Constitution of Employees' Insurance Court.

74. (1) The Government shall, by notification in the official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification.

(2) The Court shall consist of such number of judges as the Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a judge of the Employees' Insurance Court.

(4) The Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(5) Where more than one Court has been appointed for the same local area, the Government may by general or special order regulate the distribution of business between them.

Matters to be decided by Employees' Insurance Court.

75. (1) If any question or dispute arises as to—

(*a*) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(*b*) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(*c*) the rate of contribution payable by a principal employer in respect of any employee, or

(*d*) the person who is or was the principal employer in respect of any employee, or

(*e*) the right of any person to any benefit and as to the amount and duration thereof, or

(*f*) the actuarial present value of the periodical payments referred to in section 66, or

(*g*) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation, or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act,

such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Employees' Insurance Court, namely:—

(*a*) claim for the recovery of contributions from the principal employer;

(*b*) claim by a principal employer to recover contributions from any immediate employer;

(*c*) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(*d*) claim against the principal employer under section 68;

(*e*) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(*f*) any claim for the recovery of any benefit admissible under this Act.

(3) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

Institution of proceedings, etc.

76. (1) Subject to the provisions of this Act and any rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) the Court to which any matter is transferred under sub-section (2) shall continue the proceedings as if they had been originally instituted in it.

Commencement of proceedings.

77. (1) The proceedings before an Employees' Insurance Court shall be commenced by application.

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Government in consultation with the Corporation.

Powers of Employees' Insurance Court.

78. (1) The Employees' Insurance Court shall have all the powers of a civil court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence; and such Court shall be deemed to be a civil court within the meaning of section 195 and Chapter

XXXV of the Code of Criminal Procedure, 1904 (II of 1904).

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the Government, be in the discretion of the Court.

(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil court.

Appearance by legal practitioners, etc.

79. Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of person required for the purpose of his examination as a witness) may be made or done by a legal practitioner, or by an officer of an association registered under the Mysore Labour Act, 1942, authorised in writing by such person, or, with the permission of the Court, by any other person so authorised.

Benefit not admissible unless claimed in time.

80. An Employees' Insurance Court shall not direct the payment of any benefit, to a person unless he has made a claim for such benefit, in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable cause for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefit as if the claim had been made in time.

Reference to High Court.

81. An Employees' Insurance Court may submit any question of law for the decision of the High Court, and, if it does so, shall decide the question pending before it in accordance with such decision.

Appeal.

82. (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order an of Employees' Insurance Court if it involves a sub-

stantial question of law or if the value of the subject matter in dispute exceeds five hundred rupees.

(3) The period of limitation for an appeal under this section shall be sixty days.

(4) The provisions of sections 5 and 12 of the Mysore Limitation Act, 1911 (IV of 1911), shall apply to appeals under this section.

83. Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against. Stay of payment pending appeal.

CHAPTER VII.

PENALTIES.

84. Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorised by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes, or causes to be made, any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both. Punishment for false statement.

85. If any person— Punishment for failure to pay contributions, etc.

(*a*) fails to pay any contribution which under this Act he is liable to pay, or

(*b*) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(*c*) reduces the wages or any privileges or benefits admissible to an employee in contravention of section 72, or

(*d*) dismisses, discharges, reduces or otherwise punishes an employee in contravention of section 73 or any regulation, or

(e) fails or refuses to submit any return required by the regulations or makes a false return, or

(f) obstructs any inspector or other official of the Corporation in the discharge of his duties, or

(g) is guilty of any contravention of, or non-compliance with, any of the requirements of this Act or the rules or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Prosecutions

86. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Commissioner of Employees' State Insurance.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

Exemption of a Factory or establishment or class of factories or establishments.

87. The Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment, or class of factories or establishments, in any specified area from the operation of this Act for a period not exceeding one year and may, from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

Exemption of persons or class of persons.

88. The Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons employed in any factory or establishment, or class of factories or establishments, to which this Act applies from the operation of the Act.

Corporation to make representation.

89. No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity

has been given to the corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

Exemption of factories or establishments belonging to Government or any local authority.

90. The Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the Government or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

Exemption from one or more provisions of the Act.

91. The Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment, or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

Corporation officers and servants to be public servants.

92. All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Contributions, etc., due to Corporation to have priority over other debts.

93. There shall be deemed to be included among the debts which, under section 61 of the Mysore Insolvency Act, 1925 (XI of 1925), or under section 230 of the Mysore Companies Act, 1938 (XVII of 1938), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be.

Power of Government to make rules.

94. (1) The Government may, subject to the condition of previous publication, make rules not inconsistent with this Act for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which nominations and elections of members of the Corporation, Standing Committee

and Medical Benefit Council shall be made and the qualification for such membership;

(b) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year;

(c) the records to be kept of the transaction of business by the Corporation, Standing Committee and the Medical Benefit Council;

(d) the powers and duties of the Principal Officers and the conditions of their service;

(e) the powers and duties of the Medical Benefit Council;

(f) the procedure to be adopted in the execution of contracts;

(g) the acquisition, holding and disposal of property by the Corporation;

(h) the raising and repayment of loans;

(i) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;

(j) the basis on which the periodica valuation of the assets and liabilities of the Corporation shall be made;

(k) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised;

(l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(*n*) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(*o*) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation;

(*p*) any other matter in regard to the incorporation, regulation and winding up of the Corporation required or allowed by this Act to be prescribed by the Government;

(*q*) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges;

(*r*) the procedure to be followed in proceedings before such courts and the execution of orders made, by such courts;

(*s*) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications;

(*t*) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution;

(*u*) the scale of medical benefit which shall be provided at any such hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;

(*v*) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;

(*w*) the conditions of service of the staff employed at such hospitals, dispensaries and institutions; and

(*x*) any other matter which is required or allowed by this Act to be prescribed by the Government.

(3) Rules made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

Power of Corporation to make regulations.

95. (1) The Corporation may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings;

(ii) the matters which shall be referred by the Standing Committee to the Corporation for decision;

(iii) the manner in which any contribution payable under this Act shall be assessed and collected;

(iv) reckoning of wages for the purposes of fixing the contribution payable under this Act;

(v) the certification of sickness and eligibility for any cash benefit;

(vi) the method of determining the actuarial present value of periodical payments;

(vii) the assessing of the money value of any benefit which is not a cash benefit;

(viii) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim;

(ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;

(x) the manner in which and the place and time at which any benefit shall be paid;

(xi) the method of calculating the amount of cash benefit payable to an employee and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value;

(xii) the notice of pregnancy or of confinement and notice and proof of sickness;

(xiii) the conditions under which any benefit may be suspended;

(xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;

(xv) the visiting of sick persons by health visitors;

(xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates;

(xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees;

(xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed the extent of such relaxation, and the authority by whom such relaxation may be granted;

(xix) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns:

(xx) the duties and powers of inspectors and other officers and servants of the Corporation;

(xxi) the conditions of service of the officers and servants of the corporation other than the Principal Officers;

(xxii) the procedure to be followed in remitting contributions to the Corporation; and

(xxiii) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

Enhancement of benefits.

96. At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

SCHEDULE I.

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages

2. The average daily wages shall be—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*b*) in respect of an employee employed on weekly wages, the amount earned in the week divided by the number of days worked (reckoned in terms of full working days);

(*c*) in respect of an employee employed on monthly wages, the amount earned in the month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days);

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight;

(*g*) in respect of an employee who does not fall under clauses (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by the regulations, pay, salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE.

Group of employees	Employees' contribution (recoverable from employees)	Employer's contribution	Total contribution (emplyoees' and employers' contribution)
1	2	3	4
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Emplyees whose average daily wages are below Re. 1.	Nil.	0 6 0	0 6 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	0 4 0	0 8 0	0 12 0
4. Employees whose avarage daily wages are Rs. 2 and above, but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II.

(*See* sections 49, 51, 52 and 53).

Sickness Benefit and Disablement and Dependants' Benefits.

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE.

Group of employees	Average assumed daily wages
1	2
	Rs. a. p.
1. Employees whose average daily wages are below Re. 1 ...	0 14 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	1 4 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	1 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2 8 0
5. Employees whose average daily wages are Rs, 3 and above but below Rs. 4.	3 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	5 0 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7 0 0
8, Employees whose average daily wages are Rs. 8 and above ...	10 0 0

2. The daily rate of sickness benefit during any benefit period shall be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was not deemed to have been not available for employment within the meaning of section 48: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1-4-0 a day for 10 weeks, Rs. 1-12-0 a day for 10 weeks and Rs. 2-8-0 a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be :—

$$\frac{10\times20+10\times28+6\times40}{26}=27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas, rounded to the next higher anna, namely, 14 annas,

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs. 1/4/- for the 12 weeks, the average of the assumed daily wages for purpose of the rate of sickness benefit will be:—

$$\frac{12 \times 20}{(26-14)} = 20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was employed as an employee for only 20 weeks (he, having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being Rs. 1-12-0 for 20 weeks, the average of the daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{20 \times 28}{(26-4)} = 25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas rounded to the next higher anna, namely, 13 annas.

3. Disablement and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be:—

$$\frac{20 \times 14 + 20 \times 20 + 12 \times 28}{52} = 19\frac{28}{52} \text{ annas.}$$

The disablement or dependants' benefit will then be $9\frac{20}{26}$ annas, rounded to the next higher anna namely, 10 annas a day.

Example 2.—If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily

wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20 \times 14 + 14 \times 20}{34} = 16\frac{16}{34}\text{—annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$—annas, rounded to the next higher anna, namely, 9 annas a day.

The disablement or dependants' benefit calculated as aforesaid shall be called the full rate.

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows : —

(i) to the insured person—

(a) for temporary disablement during the period of such disablement at the full rate ;

(b) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1928 (XIV of 1928), for life ;

(c) for permanent total disablement at the full rate for life ;

(d) in cases of disablement not covered by clauses (a), (b) and (c) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows :—

(a) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows ;

(b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age ;

(c) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier ;

Provided that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation :

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependant's benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), shall be payable as follows :—

(a) to a parent or grand parent, for life ;

(b) to any other male dependant, until he attains fifteen years of age ;

(c) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

Reg. No. M. 1175.

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, FRIDAY, MARCH 11, 1949.

NOTIFICATION.

Order No. R. L. 2007—Legis. 83-48-1, Bangalore, dated 10th March 1949.

Ordered that the accompanying Mysore Employees' State Insurance Act, 1949, which received the assent of His Highness the Maharaja, on the 2nd day of March 1949, be published as Act No. XXXVI of 1949, in the *Mysore Gazette* for general information.

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE MYSORE EMPLOYEE'S STATE INSURANCE ACT, 1949.

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ACT No. XXXVI OF 1949.

THE MYSORE EMPLOYEES' STATE INSURANCE ACT, 1949.

(*Received the assent of His Highness the Maharaja on the 2nd day of March 1949.*)

An Act to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent, commencement and application.

1. (1) This Act may be called the Mysore Employees' State Insurance Act, 1949.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint, but different dates may be appointed for different provisions of this Act.

(4) It shall apply, in the first instance, to all factories (including factories belonging to the Government) other than seasonal factories.

(5) The Government may, in consultation with the Corporation after giving six months' notice of its intention of so doing by notification in the official Gazette, extend the provisions of this Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "benefit period" means such period of twenty-six consecutive weeks or six consecutive months corresponding to the contribution period, or in the case of the first benefit period, such longer or shorter period, as may be specified in the regulations;

(2) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(3) "contribution" means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act;

(4) "contribution period" means such period of twenty-six consecutive weeks or six consecutive months, or in the case of the first contribution period, such longer or shorter period as may be specified in the regulations;

(5) "Corporation" means the Mysore Employees' State Insurance Corporation set up under this Act;

(6) "duly appointed" means appointed in accordance with the provisions of this Act or with the rules and the regulations made thereunder;

( ) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in a factory or establishment to which this Act applies, which injury or occupational disease would entitle such employee to compensation under the Workmen's Compensation Act, 1928, (XIV of 1928), if he were a workman within the meaning of the said Act;

(8) "employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—

(i) who is directly employed by the principale mployer on any work of, or incidental or preliminary to,

or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere;

(ii) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment;

(iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

but does not include—

(*a*) any member of His Majesty's Naval, Military or Air Forces or of the Mysore State Forces; or

(*b*) any person employed on a remuneration which in the aggregate exceeds four hundred rupees a month;

(9) "exempted employee" means an employee who is not liable under this Act to pay the employee's contribution;

(10) "family" means the spouse and minor legitimate and adopted children, parents and parents-in-law dependent upon the insured person;

(11) "factory" means any premises including the precincts thereof whereon twenty or more persons are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Mysore Mines Act, 1906, (IV of 1906);

"seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of

groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes;

The expressions "manufacturing process" and "power" shall have the meanings respectively assigned to them in the Mysore Factories Act, 1936, (I of 1936);

(12) "immediate employer", in relation to employees employed by or through him, means a person who has undertaken the execution, on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(13) "insured person" means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act;

(14) "occupier" of the factory shall have the meaning assigned to it in the Mysore Factories Act, 1936, (I of 1936);

(15) "prescribed" means prescribed by rules made under this Act:

(16) "principal employer" means—

(i) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under clause (*e*) of sub-section (1) of section 9 of the Mysore Factories Act, 1936, (I of 1936), the person so named;

(ii) in any establishment under the control of any department of the Government, the authority appointed by the Government in this behalf or where no authority is so appointed, the head of the department;

(iii) in any other establishment any person responsible for the supervision and control of the establishment;

(17) "regulation" means a regulation made by the Corporation;

(18) "Schedule" means a Schedule to this Act;

(19) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds;

(20) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of work;

(21) "wages" means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes other additional remuneration, if any, paid at regular intervals after the last day of the wage period, but does not include—

(*a*) any contribution paid by the employer to any pension fund or provident fund, or under this Act;

b) any travelling allowance or the value of any travelling concession;

c) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*d*) any gratuity payable on discharge;

(22) "week" means a period of seven days commencing at midnight on Saturday night;

(23) the expressions "dependant," "managing agent," "occupational disease," "partial disablement" where the disablement is of a permanent nature and "total disablement" shall have respectively the

meanings assigned to them in the Workmen's Compensation Act, 1928, (XIV of 1928).

CHAPTER II.

CORPORATION, STANDING COMMITTEE AND MEDICAL BENEFIT COUNCIL.

Establishment of Employees' State Insurance Corporation.

3. (1) With effect from such date as the Government may, by notification in the official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees' State Insurance in accordance with the provisions of this Act a Corporation to be known as the Mysore Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Mysore Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

Constitution of Corporation.

4. The Corporation shall consist of the following members, namely,—

(*a*) the Minister for Labour in the Government, *ex-officio*, as Chairman;

(*b*) the Minister for Health in the Government, *ex-officio*, as Vice-Chairman;

(*c*) not more than five persons to be nominated by the Government, of whom at least one shall be a woman and three officials of the Government;

(*d*) five persons representing employers to be nominated by the Government in consultation with such organisations of employers as may be recognised for the purpose by the Government;

(*e*) five persons, one at least of whom shall be a woman, representing employees to be nominated by the Government in consultation with such organisations of employees as may be recognised for the purpose by the Government;

(*f*) two persons representing the medical profession to be nominated by the Government in consultation with

such organisations of medical practitioners as may be recognised for the purpose by the Government; and

(*g*) two persons to be elected by the Mysore Legislature.

Term of office of members of the Corporation.

5. (1) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than the *ex-officio* members and members referred to in clause (*c*) of section 4, shall be four years commencing from the date on which their nomination or election is notified:

Provided that a member of the Corporation shall, notwithstanding the expiry of the said period of four years, continue to hold office until the nomination or election of his successor is notified.

(2) The members of the Corporation referred to in clause (*c*) of section 4 shall hold office during the pleasure of the Government.

Eligibility for re-nomination or re-election

6. An outgoing member of the Corporation, Standing Committee, or the Medical Benefit Council shall be eligible for re-nomination or re-election as the case may be.

Authentication of orders, decisions, etc.

7. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised by it in this behalf.

Constitution of Standing Committee.

8. A Standing Committee of the Corporation shall be constituted from among its members, consisting of—

(*a*) a Chairman, nominated by the Government;

(*b*) three members of the Corporation nominated by it, one of whom shall be a woman and the other two officials of the Government;

(*c*) six members elected by the Corporation as follows:—

(i) two members from among the members of the Corporation representing employers;

(ii) two members from among the members of the Corporation representing employees;

(iii) one member from among the members of the Corporation representing the medical profession; and

(iv) one member from among the members of the Corporation elected by the Mysore Legislature.

Term of office of members of Standing Committee.

9. (1) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (*a*) or clause (*b*) of section 8, shall be two years from the date on which his election is notified:

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified:

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(2) A member of the Standing Committee referred to in clause (*a*) or clause (*b*) of section 8 shall hold office during the pleasure of the Government.

Medical Benefit Council.

10. (1) The Government shall constitute a Medical Benefit Council consisting of—

(*a*) the Senior Surgeon, *ex-officio*, as Chairman;

(*b*) the Director of Public Health, *ex-officio*;

(*c*) the Medical Commissioner of the Corporation, *ex-officio*;

(*d*) three members representing employers to be nominated by the Government in consultation with such organisation of employers as may be recognised for the purpose by the Government;

(*e*) three members representing employees to be nominated by the Government in consultation with such organisation of employees as may be recognised for the purpose by the Government; and

(*f*) three members, of whom one shall be a woman, representing the medical profession, to be nominated by the Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Government.

(2) Save as expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (*a*) to (*c*) of sub-section (1), shall be four years from the date on which his nomination is notified

Filling of vacancies.

11. (1) Vacancies in the office of nominated or elected members of the Corporation, the Standing Committee and the Medical Benefit Council shall be filled by nomination or election, as the case may be.

(2) A member of the Corporation, the Standing Committee or the Medical Benefit Council nominated or elected in a casual vacancy shall hold office only so long as the member in whose place he is nominated or elected would have been entitled to hold office if the vacancy had not occurred.

Resignation of membership.

12. A member of the Corporation, Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Government and his seat shall fall vacant on the acceptance of the resignation by the Government.

Cessation of membership.

13. A member of the Corporation, Standing Committee, or the Medical Benefit Council shall cease to be a member of that body if he fails to attend three consecutive meetings thereof :

Provided that the Corporation, Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Government in this behalf, restore him to membership.

Disqualification.

14. A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council—

(*a*) if he is declared to be of unsound mind by a competent court ;

(*b*) if he is an undischarged insolvent;

(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a shareholder (not being a Director) of a company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment unless a period of ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

Fees and allowances.

15. Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may, from time to time, be prescribed by the Government.

Principal Officers.

16. (1) The Government may, in consultation with the Corporation, appoint the following officers (hereinafter referred to as Principal Officers) of the Corporation, namely,—

(*a*) a Commissioner of Employees State Insurance;

(*b*) a Medical Commissioner;

(*c*) a Chief Accounts Officer; and

(*d*) an Actuary.

(2) The Commissioner shall be the Chief Executive Officer of the Corporation.

(3) The Principal Officers shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Government.

(4) A Principal Officer shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing Principal Officer shall be eligible for re-appointment if he is otherwise qualified.

(5) A Principal Officer shall receive such salary and allowances as may be prescribed by the Government.

(6) A person shall be disqualified from being appointed as, or for being, a Principal Officer if he is subject to any of the disqualifications specified in section 14.

(7) The Government may at any time remove a Principal Officer from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total strength of the Corporation.

17. (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business, provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of two hundred and fifty rupees and above. Staff.

(2) The Corporation shall, with the approval of the Government, make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of two hundred and fifty rupees and above shall be made with the approval of the Government :

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding six months.

18. (1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation. Powers of the Standing Committee.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

Corporation's power to promote measures for health, etc. of insured persons.

19. The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

Meetings of Corporation, Standing Committee and Medical Benefit Council.

20. Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules or procedure in regard to transaction of business at their meetings as may be specified in the regulation made in this behalf.

Supersession of the Corporation and Standing Committee.

21. (1) If in the opinion of the Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, it may, by notification in the official Gazette, supersede the Corporation or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Government may—

(a) immediately nominate, or cause to be nominated or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8;

(b) in its discretion, appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation, and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislature at the earliest opportunity.

22. The Medical Benefit Council shall— Duties of Medical Benefit Council.

(a) advise the Corporation, the Standing Committee and the Medical Commissioner on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters;

(b) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance; and

(c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

23. The Principal Officers shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations. Duties of Principal Officers.

24. No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having Acts of Corporation etc., not invalid by reason of informality, etc.

been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical Benefit Council.

Regional Boards, Local Committees, Regional and Local Medical Benefit Councils.

25. The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions, as may be provided by the regulations.

CHAPTER III.

FINANCE AND AUDIT.

Mysore Employees' State Insurance Fund.

26. (1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Mysore Employees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government, any local authority, or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into such treasury or bank, as may be approved by the Government, to an account styled 'the account of the Mysore Employees' State Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

Purposes for which the Fund may be expended.

27. Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Mysore Employees' State Insurance Fund shall be expended only for the following purposes, namely:—

(i) payment of benefits and provision of medical treatment and attendance to insured persons, and where the medical benefit has been extended to their families, the provision of such medical benefit to their

families, in accordance with the provisions of this Act and defraying the charges and costs in connection therewith;

(ii) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils;

(iii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of officers and other services set up for the purpose of giving effect to the provisions of this Act;

(iv) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons, and, where the medical benefit has been extended to their families, their families;

(v) payment of contributions to the Government, any local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit has been extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation;

(vi) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(vii) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act;

(viii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation, or the Standing Committee, or by any officer duly authorised by the Corporation or the Standing Committee in that behalf;

(ix) payment of sums under any decree, order or award of any court or tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty, or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(x) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(xi) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons, and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and

(xii) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

Holding of property, etc

28. (1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in, or have been acquired by it, and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject as aforesaid, from time to time re-invest or realise such investment.

(3) The Corporation may, with the previous sanction of the Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

Loans from the Government.

29. The Corporation may take loans from the Government for purposes of meeting the administrative expenses

of the Corporation and discharge such loans in accordance with such rules as may be prescribed.

Vesting of the property in the Corporation.

30. All property acquired before the establishment of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

Expenditure by the Government to be treated as a loan.

31. All expenditure incurred by the Government for, and in connection with, the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation and such loan shall be discharged in such manner as may be prescribed.

Budget estimate.

32. The Corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the liabilities incurred by the Corporation and for the maintenance of a working balance.

Accounts.

33. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

Audit.

34. (1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Government.

(2) The auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any principal or other officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

Annual report.

35. The Corporation shall submit to the Government an annual report of its work and activities.

Budget, audited accounts and the annual report to be placed before the Legislature.

36. The annual report, the audited accounts of the Corporation, and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislature and published in the official Gazette.

Valuation of assets and liabilities.

37. The Corporation shall, at intervals of five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Govertment:

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV.

CONTRIBUTIONS.

All employees to be insured.

38. Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

Contributions.

39. (1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

(2) The contributions shall be paid at the rates specified in the First Schedule, and in case where the provisions of this Act are made applicable to any employee or class of employees in any factory or establishment or class of factories or establishments in such manner that they are excluded from some of the benefits under this Act, at such rates as the Corporation may fix in this behalf.

(3) A week shall be the unit in respect of which all contributions shall be payable under this Act.

(4) The contributions payable in respect of each week shall ordinarily fall due on the last day of the week, and

where an employee is employed for part of the week, or is employed under two or more employers during the same week, the contributions shall fall due on such days as may be specified in the regulations.

40. (1) The principal employer shall pay in respect of every employee whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution. Principal employer to pay contributions in the first instance.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor immediate employer shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) Subject to any regulations made in this behalf, the principal employer shall bear the expenses of remitting the contributions to the Corporation.

41. (1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by Recovery of contribution from immediate employer.

deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in sub-section (2) of section 40.

Explanation.—For the purposes of sections 40 and 41, wages shall be deemed to include payment to an employee in respect of any period of authorised leave, lock-out or legal strike.

General provisions as to payment of contributions.

42. (1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages are below one rupee.

Explanation.—The average daily wages of an employee shall be calculated in the manner specified in the First Schedule.

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each week during the whole or part of which an employee is employed.

(3) Where wages are payable to an employee for a portion of the week, the employer shall be liable to pay both the employer's contribution and the employee's contribution for the week in full but shall be entitled to recover from the employee the employee's contribution.

(4) No contribution shall be payable in respect of an employee for any week during the whole of which no services are rendered by an employee and in respect of which no wages are payable to him.

(5) Notwithstanding the provisions of sub-section (4), contribution shall be payable, in respect of any week during which no services are rendered by and no wages are paid to an employee, at the rate at which contribution was last paid, where the failure to render such services is due to the employee being on authorised leave, or is due to a lock-out or a legal strike, if in respect of the period covered by such legal strike the employee receives wages in full or in part.

43. Subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act, and, without prejudice to the generality of the foregoing power, such regulations may provide for— Method of payment of contribution.

(*a*) the manner and time of payment of contributions;

(*b*) the payment of contributions by means of adhesive or other stamps affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed;

(*c*) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate; and

(*d*) the issue, sale, custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

44. Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him, as may be specified in the regulations made in this behalf. Returns by employers.

45. (1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them. Inspectors, their functions and duties.

(2) Any inspector appointed by the Corporation under sub-section (1) (hereinafter referred to as inspector), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with,—

(*a*) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(b) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

(c) examine, with respect to any matter relevant to the purposes aforesaid the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to be or to have been an employee.

(3) An inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

CHAPTER V.

BENEFITS.

Benefits.

46. (1) Subject to the provisions of this Act, the insured persons, or, as the case may be, their dependants shall be entitled to the following benefits, namely,—

(a) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner (hereinafter referred to as sickness benefit) ;

(b) periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit) ;

(c) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit) ;

(d) periodical payments to such dependants of an insured nerson, who dies as a result of an employment ıjury sustained as an employee under this Act, s are entitled to compensation under this Act (hereinafter referred to as dependants' benefit); and

(e) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit).

(2) The Corporation may, at the request of the Government, and subject to such conditions as may be laid down in the regulations, extend the medical benefits to the family of an insured person.

47. A person shall be qualified to claim sickness benefit during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than two-thirds of the number of weeks during which he shall be deemed to have been available for employment within the meaning of section 48, subject to a minimum of twelve contributions: When person eligible for sickness benefit.

Provided that the Corporation may waive the minimum number of contributions during the first contribution period.

48. A person shall always be deemed to have been available for employment in any week, except when during the whole of such week— When person deemed available for employment.

(a) he was unable to work on account of sickness which had been duly certified whether entitling him to receive sickness benefit or not, or

(b) he was qualified to receive disablement benefit for temporary disablement, or

(c) in the case of an insured woman, she was entitled to the maternity benefit provided in section 50 or she would have been entitled to such benefit if she had fulfilled all other conditions entitling her thereto.

49. Subject to the provisions of this Act and the regulations, if any, a person qualified to claim sickness benefit in accordance with section 47 shall be entitled to receive such benefit at the rates specified in the Second Schedule for the period of his sickness: Sickness benefit

Provided that he shall not be entitled to the benefit for an initial waiting period of two days except in the case of a spell of sikness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefit was last paid:

Provided further that sickness benefit shall not be paid to any person for a number of days in excess of the number which taken together with the number of days for which he has already received the benefit makes up to a total of fifty-six days during any continuous period of three hundred and sixty-five days.

Maternity benefit.

50. (1) An insured woman shall be qualified to claim maternity benefit for a confinement occurring in a benefit period if during the corresponding contribution period, weekly contributions, in respect of her were payable for not less than two-thirds of the number of weeks during which she shall be deemed to have been available for employment within the meaning of section 48 subject to a minimum of twelve contributions:

Provided that at least one contribution has been paid between thirty-five and forty weeks before the week in which the confinement takes place or notice of pregnancy is given before confinement whichever is more advantageous to the insured person.

(2) Subject to the provisions of this Act, and the regulations, if any, an insured woman who is qualified to claim maternity benefit in accordance with sub-section (1) shall be entitled to receive it at the rate of twelve annas a day for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six shall precede the expected date of confinement.

Disablement benefit.

51. (1) Subject to the provisions of this Act, and the regulations, if any, disablement benefit shall be payable—

(*a*) to a person who sustains temporary disablement, during the period of such disablement;

(*b*) to a person who sustains permanent partial disablement, during his life;

(*c*) to a person who sustains permanent total disablement, during his life; and

(d) to a person, in all cases of disablement not falling under sub-clauses (*a*), (*b*) or (*c*) of this sub-section, as may be provided in the regulations.

(2) Disablement benefit shall be paid on the scale and subject to the conditions specified in this behalf in the Second Schedule.

Dependants' benefit.

52. Where an insured person dies as a result of an employment injury sustained as an employee under this Act, dependant's benefit shall be payable subject to the provisions of this Act and the regulations, if any, to his dependants at such rates and for such period as is specified in the Second Schedule.

Disablement and dependants' benefits.

53. Where an insured person is, or his dependants are, entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1928 (XIV of 1928), or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act, then the following provisions shall apply, namely :—

(i) The insured person shall, in lieu of such compensation or damages, receive the disablement benefit provided by this Act, but subject otherwise to the conditions specified in the Workmen's Compensation Act, 1928 (XIV of 1928), from the Corporation and not from the employer or other person.

(ii) If the insured person dies as a result of the employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable at the rates and in the proportion specified in the Second Schedule to his widow or widows during her or their widowhood, and to minor legitimate or adopted sons and minor legitimate unmarried daughters.

(iii) In case the insured person does not leave him surviving any widow or children as mentioned in clause (ii) or in the case of an insured woman if she does not leave her surviving any children

(2) The Corporation may enter into an agreement with the Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, midicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the Corporation and the Government.

(3) In default of agreement between the Corporation and the Government as aforesaid the nature and extent of the medical treatment to be provided by the Government and the proportion in which the cost thereof shall be shared between the Corporation and the Government shall be determined by an arbitrator (who shall be or shall have been a judge of the High Court) appointed by the Chief Justice and the award of the arbitrator shall be binding on the Corporation and the Goverment.

Establishment and maintenance of hospitals, etc., by Corporation.

59. (1) The Corporation may, with the approval of the Government, establish and maintain such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(2) The Corporation may enter into agreement with any provincial Government in India, local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

GENERAL.

Benefit not assignable or attachable.

60. (1) The right to receive any payment of any benefit under this Act shall not be transferable or assignable save in accordance with the provisions of this Act or the rules thereunder.

(2) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment. Bar of benefits under other enactments.

62. Save as may be provided in the regulations, no person shall be entitled to commute for a lumpsum any periodical payment admissible under this Act. Persons not to commute cash benefits.

63. No person shall be entitled to sickness benefit, or maternity benefit, or disablement benefit for temporary disablement in respect of any day on which he works and receives wages. Persons not entitled to receive benefits in certain cases.

64. A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement)— Beneficiaries to observe conditions.

(*a*) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge thereof;

(*b*) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(*c*) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and

(*d*) shall allow himself to be examined by any duly appointed medical officer or health visitor or other person authorised by the corporation in this behalf.

65. (1) An insured person shall not be entitled to receive for the same period— Benefits not to be combined.

(*a*) both sickness benefit and maternity benefit; or

(*b*) both sickness benefit and disablement benefit for temporary disablement; or

(*c*) both maternity benefit and disablement benefit for temporary disablement.

(3) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or establishment, or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a civil court.

(5) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

Repayment of benefit improperly received

70. (1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of his death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land revenue.

Benefit payable up to and including day of death.

71. If a person dies during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

Employer not to reduce wages, etc.

72. No employer by reason only of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or except

as provided by the regulations, discontinue or reduce benefits payable to him under the conditions or his service which are similar to the benefits conferred by this Act.

73. (1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement, or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations as arising out of the pregnancy or confinement rendering the employee unfit for work. Employer not to dismiss or punish employee during period of sickness, etc.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

CHAPTER VI.

ADJUDICATION OF DISPUTES AND CLAIMS.

74. (1) The Government shall, by notification in the official Gazette, constitute an Employees' Insurance Court for such local area as may be specified in the notification. Constitution of Employees' Insurance Court.

(2) The Court shall consist of such number of judges as the Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a judge of the Employees' Insurance Court.

(4) The Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(5) Where more than one Court has been appointed for the same local area, the Government may by general or special order regulate the distribution of business between them.

Matters to be decided by Employees' Insurance Court.

75. (1) If any question or dispute arises as to—

(*a*) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or

(*b*) the rate of wages or average daily wages of an employee for the purposes of this Act, or

(*c*) the rate of contribution payable by a principal employer in respect of any employee, or

(*d*) the person who is or was the principal employer in respect of any employee, or

(*e*) the right of any person to any benefit and as to the amount and duration thereof, or

(*f*) the actuarial present value of the periodical payments referred to in section 66, or

(*g*) any other matter which is in dispute between a principal employer and the Corporation or between a principal employer and an immediate employer, or between a person and the Corporation, or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act,

such question or dispute shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) The following claims shall be decided by the Employees' Insurance Court, namely:—

(*a*) claim for the recovery of contributions from the principal employer;

(*b*) claim by a principal employer to recover contributions from any immediate employer;

(*c*) claim under section 66 or 67 made by the Corporation against the employer or other person liable thereunder;

(*d*) claim against the principal employer under section 68;

(*e*) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and

(*f*) any claim for the recovery of any benefit admissible under this Act.

(3) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by the Employees' Insurance Court.

76. (1) Subject to the provisions of this Act and any rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose. Institution of proceedings, etc.

(2) If the Court is satisfied that any matter arising out of any proceeding pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) The Court to which any matter is transferred under sub-section (2) shall continue the proceedings as if they had been originally instituted in it.

77. (1) The proceedings before an Employees' Insurance Court shall be commenced by application. Commencement of proceedings.

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by rules made by the Government in consultation with the Corporation.

78. (1) The Employees' Insurance Court shall have all the powers of a civil court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence; and such Court shall be deemed to be a civil court within the meaning of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1904, (II of 1904). Powers of Employees' Insurance Court.

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the Government, be in the discretion of the Court.

(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil court.

Appearance by legal practitioners, etc.

79. Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of person required for the purpose of his examination as a witness) may be made or done by a legal practitioner, or by an officer of an association registered under the Mysore Labour Act, 1942, authorised in writing by such person, or, with the permission of the Court, by any other person so authorised.

Benefit not admissible unless claimed in time.

80. An Employees' Insurance Court shall not direct the payment of any benefit, to a person unless he has made a claim for such benefit, in accordance with the regulations made in that behalf, within twelve months after the claim became due:

Provided that if the Court is satisfied that there was reasonable cause for not making a claim for the benefit within twelve months after it became due, it may direct the payment of the benefit as if the claim had been made in time.

Reference to High Court.

81. An Employees' Insurance Court may submit any question of law for the decision of the High Court, and, if it does so, shall decide the question pending before it in accordance with such decision.

Appeal.

82. (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a

substantial question of law or if the value of the subject matter in dispute exceeds five hundred rupees.

(3) The period of limitation for an appeal under this section shall be sixty days.

(4) The provisions of sections 5 and 12 of the Mysore Limitation Act, 1911, (IV of 1911), shall apply to appeals under this section.

83. Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against. Stay of payment pending appeal.

CHAPTER VII.

PENALTIES.

84. Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorised by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes, or causes to be made, any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding five hundred rupees, or with both. Punishment for false statement.

85. If any person— Punishment for failure to pay contributions etc.

(*a*) fails to pay any contribution which under this Act he is liable to pay, or

(*b*) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or

(*c*) reduces the wages or any privileges or benefits admissible to an employee in contravention of section 72, or

(*d*) dismisses, discharges, reduces or otherwise punishes an employee in contravention of section 73 or any regulation, or

(*e*) fails or refuses to submit any return required by the regulations or makes a false return, or

(*f*) obstructs any inspector or other official of the Corporation in the discharge of his duties, or

(*g*) is guilty of any contravention of, or non-compliance with, any of the requirements of this Act or the rules or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Prosecutions.

86. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Commissioner of Employees' State Insurance.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII.

MISCELLANEOUS.

Exemption of a factory or establishment or class of factories or establishments.

87. The Government, may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment, or class of factories or establishments, in any specified area from the operation of this Act for a period not exceeding one year and may, from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

Exemption of persons or class of persons.

88. The Government may, by notification in the official Gazette and subject to such conditions as it may deem fit to impose, exempt any persons or class of persons

employed in any factory or establishment, or class of factories or establishments, to which this Act applies from the operation of the Act.

89. No exemption shall be granted or renewed under section 87 or section 88, unless a reasonable opportunity has been given to the corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

Corporation to make representation.

90. The Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to the Government or any local authority, if the employees in any such factory or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

Exemption of factories or establishments belonging to the Government or any local authority.

91. The Government may, with the consent of the Corporation, by notification in the official Gazette, exempt any employees or class of employees in any factory or establishment, or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

Exemption from one or more provisions of the Act.

92. All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Corporation officers and servants to be public servants.

93. There shall be deemed to be included among the debts which, under section 61 of the Mysore Insolvency Act, 1925, (XI of 1925), or under section 230 of the Mysore Companies Act, 1938, (XVII of 1938), are, in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up, as the case may be,

Contributions, etc., due to Corporation to have priority over other debts.

Power of Government to make rules.

94. (1) The Government may, subject to the condition of previous publication, make rules not inconsistent with this Act for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which nominations and elections of members of the Corporation, Standing Committee and Medical Benefit Council shall be made and the qualification for such membership ;

(*b*) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year ;

(*c*) the records to be kept of the transaction of business by the Corporation, Standing Committee and the Medical Benefit Council;

(*d*) the powers and duties of the Principal Officers and the conditions of their service ;

(*e*) the powers and duties of the Medical Benefit Council;

(*f*) the procedure to be adopted in the execution of contracts ;

(*g*) the acquisition, holding and disposal of property by the Corporation ;

(*h*) the raising and repayment of loans ;

(*i*) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realisation ;

(*j*) the basis on which the periodical valuation of the assets and liabilities of the Corporation shall be made ;

(*k*) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the

Corporation funds and the officers by whom such payment may be authorised;

(l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(n) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(o) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation;

(p) any other matter in regard to the incorporation, regulation and winding up of the Corporation required or allowed by this Act to be prescribed by the Government;

(q) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges;

(r) the procedure to be followed in proceedings before such courts and the execution of orders made by such courts;

(s) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications;

(t) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution;

(u) the scale of medical benefit which shall be provided at any such hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;

(*v*) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;

(*w*) the conditions of service of the staff employed at such hospitals, dispensaries and institutions; and

(*x*) any other matter which is required or allowed by this Act to be prescribed by the Government.

(3) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

Power of Corporation to make regulations.

95. (1) The Corporation may, subject to the condition of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings;

(ii) the matters which shall be referred by the Standing Committee to the Corporation for decision;

(iii) the manner in which any contribution payable under this Act shall be assessed and collected;

(iv) reckoning of wages for the purposes of fixing the contribution payable under this Act;

(v) the certification of sickness and eligibility for any cash benefit;

(vi) the method of determining the actuarial present value of periodical payments;

(vii) the assessing of the money value of any benefit which is not a cash benefit;

(viii) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claim;

(ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;

(x) the manner in which and the place and time at which any benefit shall be paid;

(xi) the method of calculating the amount of cash benefit payable to an employee and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value;

(xii) the notice of pregnancy or of confinement and notice and proof of sickness;

(xiii) the conditions under which any benefit may be suspended;

(xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;

(xv) the visiting of sick persons by health visitors;

(xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates;

(xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees;

(xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed the extent of such relaxation, and the authority by whom such relaxation may be granted;

(xix) the returns to be submitted by the principal and immediate employers, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(xx) the duties and powers of inspectors and other officers and servants of the Corporation;

(xxi) the conditions of service of the officers and servants of the corporation other than the Principal Officers;

(xxii) the procedure to be followed in remitting contributions to the Corporation; and

(xxiii) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made by the Corporation shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

Enhancement of benefits.

96. At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

SCHEDULE I.

(*See* section 39)

1. The amount of weekly contribution payable in respect of an employee shall be calculated with reference to his average daily wages.

2. The average daily wages shall be—

(*a*) in respect of an employee employed on daily wages, the amount of wages earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*b*) in respect of an employee employed on weekly wages, the amount earned in the week divided by the number of days worked (reckoned in terms of full working days);

(*c*) in respect of an employee employed on monthly wages, the amount earned in the month in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days);

(*d*) in respect of an employee employed on the basis of any other wage period, the wages for the period, in which the contribution falls due, divided by the number of days worked (reckoned in terms of full working days) during the period;

(*e*) in respect of an employee paid at piece-work rate, the amount earned during the week divided by the number of days worked (reckoned in terms of full working days);

(*f*) in respect of an employee employed on hourly wages, the amount of wages earned during the week, divided by the number of hours worked and multiplied by eight;

(*g*) in respect of an employee who does not fall under clauses (*a*) to (*f*), the amount calculated on the basis of wages earned for the day on which the contribution falls due.

Explanation.—Except as provided by the regulations, pay, salaries or allowances paid in respect of any period of leave or holidays with pay shall not be taken into account in reckoning wages.

3. (*a*) For the purposes of fixing the amount of weekly contribution payable, employees shall be divided into eight groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(*b*) The employees' contribution and employer's contribution payable in respect of the group of employees specified in the first column of the table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

TABLE.

Group of employees	Employees' contribution (recoverable from employees)	Employer's contribution	Total contribution (employees' and employers' contribution)
1	2	3	4
	Rs.	Rs.	Rs.
1. Employees whose average daily wages are below Re. 1.	Nil.	0 6 0	0 6 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1-8-0.	0 2 0	0 7 0	0 9 0
3. Employees whose average daily wages are Rs. 1-8-0 and above, but below Rs. 2.	0 4 0	0 8 0	0 12 0
4. Employees whose avarage daily wages are Rs. 2 and above, but below Rs. 3.	0 6 0	0 12 0	1 2 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	0 8 0	1 0 0	1 8 0
6. Employees whose average daily wages are Rs. 4 and above, but below Rs. 6.	0 11 0	1 6 0	2 1 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	0 15 0	1 14 0	2 13 0
8. Employees whose average daily wages are Rs. 8 and above.	1 4 0	2 8 0	3 12 0

SCHEDULE II.

(*See* sections 49, 51, 52 and 53).

SICKNESS BENEFIT AND DISABLEMENT AND DEPENDANTS BENEFITS.

1. The average daily wages of an employee in each of the groups specified in the first column of the table below shall, for the purpose of calculating the sickness benefit and disablement and dependants' benefits be assumed to be the rate specified in the corresponding entry in the second column thereof.

TABLE.

Group of employees	Average assumed daily wages
1	2
	Rs. a. p.
1. Employees whose average daily wages are below Re. 1.	0 14 0
2. Employees whose average daily wages are Re. 1 and above, but below Rs. 1—8—0.	1 4 0
3. Employees whose average daily wages are Rs. 1—8—0 and above, but below Rs. 2.	1 12 0
4. Employees whose average daily wages are Rs. 2 and above, but below Rs. 3.	2 8 0
5. Employees whose average daily wages are Rs. 3 and above, but below Rs. 4.	3 8 0
6. Employees whose average daily wages are Rs. 4 and and above, but below Rs. 6.	5 0 0
7. Employees whose average daily wages are Rs. 6 and above, but below Rs. 8.	7 0 0
8. Employees whose average daily wages are Rs. 8 and above.	10 0 0

2. The daily rate of sickness benefit during any benefit period shal be an amount equivalent to one-half of the sum of the assumed average daily wages as aforesaid for each of the weeks for which contributions were paid in respect of the person during the corresponding contribution period, divided by the number of weeks in that contribution period in which he was not deemed to have been not available for employment within the meaning of section 48: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples:—

Example 1.—If the assumed average daily wages of the person as an employee were Rs. 1-4-0 a day for 10 weeks, Rs. 1-12-0 a day for 10 weeks and Rs. 2-8-0 a day for 6 weeks, the average of the assumed daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{10\times20+10\times28+6\times40}{26}=27\frac{18}{26}$$

The daily rate of sickness benefit payable in the benefit period will then be $13\frac{22}{26}$ annas, rounded to the next higher anna, namely, 14 annas.

Example 2.—If the person was deemed to have been not available for employment for 14 weeks in any contribution period and was employed as an employee for only 12 weeks in that contribution period, his assumed average daily wages being Rs 1/4/- for the 12 weeks, the average of the assumed daily wages for purpose of the rate of sickness benefit will be:—

$$\frac{12\times20}{(26-14)}=20 \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit period will then be 10 annas.

Example 3.—If the person was deemed to have been not available for employment for 4 weeks in any contribution period and was employed as an employee for only 20 weeks (he, having been without any employment for 2 weeks) in that contribution period, his assumed average daily wages being Rs. 1-12-0 for 20 weeks. the average of the daily wages for the purpose of the rate of sickness benefit will be:—

$$\frac{20\times28}{(26-4)}=25\frac{5}{11} \text{ annas.}$$

The daily rate of sickness benefit payable in the benefit year will then be $12\frac{8}{11}$ annas rounded to the next higher anna, namely, 13 annas.

3. Disablement and dependants' benefit shall be an amount equivalent to one-half of the sum of the assumed average daily wages for each of the weeks for which contributions were paid in respect of the employee during the period of fifty-two weeks immediately preceding

the week in which the employment injury occurs, divided by the number of weeks for which contributions were so paid: provided that where the amount of the benefit so calculated includes a fraction of an anna, it shall be rounded to the next higher anna. The calculation indicated above is illustrated by the following examples :—

Example 1.—If the assumed average daily wages of an employee were 14 annas a day for 20 weeks, Rs. 1-4-0 a day for 20 weeks and Rs. 1-12-0 a day for 12 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20\times14+20\times20+1\times228}{52}=19\frac{28}{52}\text{ annas.}$$

The disablement or dependants' benefit will then be $9\frac{20}{26}$ annas, rounded to the next higher anna namely, 10 annas a day.

Example 2.—If the employee worked only for 34 weeks in the period of 52 weeks preceding the week in which the employment injury occurs and his assumed average daily wages were 14 annas a day for 20 weeks and Rs. 1-4-0 for 14 weeks, the average of the assumed daily wages for the purpose of disablement and dependants' benefit will be :—

$$\frac{20\times14+14\times20}{34}=16\frac{16}{34}\text{ annas.}$$

The disablement or dependants' benefit will be $8\frac{8}{34}$ annas, rounded to he next higher anna, namely, 9 annas a day.

The disablement or dependants' benefit calculated as aforesaid shall be called the full rate.

4. The disablement or dependants' benefit shall be payable to a person suffering from disablement as a result of an employment injury sustained as an employee in a factory or establishment to which this Act applies, or if he dies as a result of such injury, to his dependants, as follows :—

(i) to the insured person—

(a) for temporary disablement during the period of such disablement at the full rate;

(b) for permanent partial disablement, at a percentage of the full rate, as provided in section 4 of the Workmen's Compensation Act, 1928 (XIV of 1928), for life;

(c) for permanent total disablement at the full rate for life;

(d) in cases of disablement not covered by clauses (a), (b) and (c) above, as may be provided in the regulations.

(ii) in the case of the death of the person, to his widow and children as follows :—

(a) to the widow during life or until remarriage an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows ;

(b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains fifteen years of age ;

(c) to each legitimate unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains fifteen years of age or until marriage, whichever is earlier ;

Provided that the Corporation may continue such benefit to any legitimate or adopted son or any legitimate unmarried daughter until he or she attains the age of eighteen years if such son or daughter continues education to the satisfaction of the Corporation :

Provided further that if the total of the dependant's benefits distributed among the widow or widows and legitimate children of the deceased person as aforesaid exceeds the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

5. In case the deceased person does not leave a widow or legitimate child, dependant's benefit at such rates as may be determined by the Commissioner appointed under the Workmen's Compensation Act, 1928 (XIV of 1928), shall be payable as follows :—

(a) to a parent or grand parent, for life ;

(b) to any other male dependant, until he attains fifteen years of age ;

(c) to any other female dependant, until she attains fifteen years of age or until marriage, whichever is earlier, or if widowed until she attains fifteen years of age.

K. CHENGALARAYA REDDY,

Chief Minister in charge of the current duties of the Dewan.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.